

SPECIAL SESSION

JOURNAL OF THE SENATE

At a special session of the Florida Legislature convened by proclamation of His Excellency, Claude R. Kirk, Jr., Governor of the State of Florida, hereinafter set forth, begun and held at the Capitol in the City of Tallahassee, in the State of Florida.

Monday, June 24, 1968

In pursuance of the Proclamation of Honorable Claude R. Kirk, Jr., Governor of the State of Florida, the Senate met in Special Session at 10:00 a.m. and was called to order by Senator Verle A. Pope, President of the Senate; the Secretary of the Senate, Edwin G. Fraser; the Sergeant At Arms of the Senate, LeRoy Adkison, being at their posts.

The Proclamation of the Governor convening the Legislature in Special Session was read as follows:

State of Florida  
Executive Department  
Tallahassee

PROCLAMATION

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, the Interim Constitutional Revision Steering Committee of the Legislature has completed preparation of a draft Constitution which has endeavored to reconcile the differences between the Senate and the House versions of a modern Constitution for the government of the people of the State of Florida, and

WHEREAS, the Legislature in its deliberation during the regular legislative session, appears to be in agreement on the necessity and basic tenets of a modern Constitution, and

WHEREAS, it is in the best interest of the State of Florida that constitutional revision be accomplished on a time schedule which will permit the Legislature to submit it to the people for their consideration at the next regular election to be held on or about November 5, 1968, and

WHEREAS, it also appears that an emergency exists by reason of the fact that appropriations for the Florida School of the Deaf and the Blind are insufficient to meet the needs of its special programs requiring teaching personnel with advanced educational skills;

NOW, THEREFORE, I, Claude R. Kirk, Jr., as Governor of the State of Florida, by virtue of the power and authority vested in me by Article IV, Section 8 and Article III, Section 2 of the Constitution of the State of Florida, do hereby convene the Legislature of the State of Florida in special session at the Capitol at 10 a.m. on June 24, 1968.

This call shall be limited to Constitutional Revision, fixing of the date for the election to permit the people of the State to vote upon a proposed revised Constitution, and consideration of such legislation as may be necessary to adequately compensate special teaching personnel of the Florida School of the Deaf and the Blind.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 11 day of June, A.D. 1968.

CLAUDE R. KIRK, JR.  
Governor

ATTEST:  
TOM ADAMS  
Secretary of State

By direction of the President the roll was called and the following Senators were recorded present:

Senator John R. Broxson—1st District

Senator Reubin O'D. Askew—2nd District  
Senator William Dean Barrow—3rd District  
Senator Dempsey J. Barron—4th District  
Senator Mallory E. Horne—5th District  
Senator L. P. "Pete" Gibson—6th District  
Senator J. Emory "Red" Cross—7th District  
Senator John E. Mathews, Jr.—8th District  
Senator Tom Slade—9th District  
Senator John J. Fisher—10th District  
Senator William T. Stockton, Jr.—11th District  
Senator Verle A. Pope—12th District  
Senator L. K. Edwards, Jr.—13th District  
Senator Ralph R. Clayton—14th District  
Senator Dennis J. Patrick O'Grady—15th District  
Senator Kenneth Plante—16th District  
Senator Robert H. Elrod—17th District  
Senator Bill Gunter—18th District  
Senator C. W. Bill Young—19th District  
Senator Harold S. Wilson—20th District  
Senator Henry Sayler—21st District  
Senator Richard J. (Dick) Deeb—22nd District  
Senator Ray C. Knopke—23rd District  
Senator Joseph A. McClain, Jr.—24th District  
Senator T. Truett Ott—25th District  
Senator Louis de la Parte, Jr.—26th District  
Senator Lawton M. Chiles, Jr.—28th District  
Senator Elizabeth J. (Beth) Johnson—29th District  
Senator C. W. "Cliff" Reuter—30th District  
Senator Wilbur Boyd—31st District  
Senator Warren S. Henderson—32nd District  
Senator L. A. 'Skip' Bafalis—33rd District  
Senator Elmer O. Friday, Jr.—34th District  
Senator Jerry Thomas—35th District  
Senator David C. Lane—36th District  
Senator Charles H. Weber—37th District  
Senator John W. (Jack) Bell—38th District  
Senator Chester W. (Chet) Stolzenburg—39th District  
Senator Edmond J. Gong—40th District

Senator Robert M. Haverfield—41st District  
 Senator Lee Weissenborn—42nd District  
 Senator Robert L. Shevin—43rd District  
 Senator George L. Hollahan, Jr.—44th District  
 Senator Tom Spencer—45th District  
 Senator Ralph R. Poston—46th District  
 Senator Dick Fincher—47th District  
 Senator Richard B. (Dick) Stone—48th District

47. A quorum present.

Excused: Senator Griffin, 27th District.

Prayer by Senator Richard B. Stone:

Almighty God, our Heavenly Father, who hath blessed us and our State far beyond what we could need or want, we offer our heartfelt thanks for all the loveliness of our flowered land from the Panhandle to the Keys.

For the sandy beaches, the fruitful ridge, the piney woods, the cypress lowlands, the warm sunshine, the wide heavens—for all thy beauties which surround us all our days, we are grateful to thee.

But we confess, our Father, that we have not always lived like thy grateful people. We have not always enjoyed thy gifts in contentment. Our greed has sometimes led us to want more than we need; our selfishness has sometimes led us to neglect the needs of others; our pride has sometimes led us to imagine that all of these resources are for only a few of thy children.

Merciful Father, be present with this gathering of thy children, bless each one of us, bless these legislators who represent us in these halls of the Legislature and along the corridors of power—that we may go forth from this place—determined henceforth, to secure the blessings of liberty and to promote the general welfare of *all* our people: rich and poor, young and old, black and white.

Our prayer for our beloved Florida is the same prayer we invoke for our nation:

“And crown Thy good with Brotherhood, from Sea to Shining Sea.”

In thy name. Amen.

The Senate pledged allegiance to the flag of the United States of America pursuant to Senate Rule 7.2.

On motion by Senator Johnson that a committee be appointed to wait upon the Governor and inform his Excellency that the Senate was duly organized and ready to proceed with the business of the Special Session, the President appointed Senators Johnson, Weissenborn and Cross. The committee withdrew.

On motion by Senator Edwards that a committee be appointed to notify the House of Representatives that the Senate was duly organized and ready to proceed with the business of the Special Session, the President appointed Senators Edwards, Stone and Broxson. The committee withdrew.

A committee from the House of Representatives, composed of Representatives Yarborough, Stafford and Ryals appeared at the Bar of the Senate and notified the Body that the House of Representatives was duly organized and ready to proceed with the business of the Special Session. The President expressed the appreciation of the Senate for the report and the committee withdrew.

The committee appointed to wait upon the Governor appeared at the Bar of the Senate and reported to the President that its duty had been performed. The committee was thanked for its service and discharged.

The committee appointed to notify the House of Representatives of the organization of the Senate appeared at the Bar of the Senate and reported that its duty had been performed. The committee was thanked for its service and discharged.

The President announced that the membership of all committees would remain as previously appointed.

## REPORT OF COMMITTEE

By unanimous consent, the following report of the Committee on Rules and Calendar was read:

The Honorable Verle A. Pope      Tallahassee, Florida  
 President of the Senate      June 24, 1968

Sir:

Your Committee on Rules and Calendar begs leave to report and recommends the following rules to govern the Senate:

## Rule One

### OFFICERS AND EMPLOYEES

1.1—A President and a President Pro Tempore shall be elected at the organizational session preceding each regular session of the State Senate. They are to continue in office until their successors are chosen and qualified or until the expiration of their term, whichever shall first occur. They shall take an oath to support the Constitution of the United States and of the State of Florida, and for the true and faithful discharge of their duties of office to the best of knowledge and ability.

1.2—There shall be a Secretary of the Senate who shall be elected for a period of two (2) years, pursuant to the provisions of Section 11.15, Florida Statutes, and who shall keep the Secretary's office open during and between sessions of the legislature on a permanent basis. A permanent staff of assistants shall be appointed to efficiently transact such business as assigned, or required by law or by rules of the Senate, during and between sessions of the legislature. The Secretary shall take an oath to support the Constitution of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office to the best of knowledge and ability.

The Secretary shall be under the supervision of the President of the Senate and shall be the enrolling and engrossing clerk of the Senate. The Secretary shall designate an assistant engrossing and enrolling clerk and such other personnel as may be reasonably necessary to discharge the functions.

All secretaries, stenographers, typists, verifiers and other clerical assistants not specifically assigned to a Senator or to a committee shall be under the supervision of the Secretary.

1.3—There shall be a Sergeant At Arms of the Senate who shall be elected for a period of two (2) years, pursuant to the provisions of Section 11.15, Florida Statutes. The Sergeant At Arms shall be under the supervision of the President of the Senate. He shall take an oath to support the Constitution of the United States and of the State of Florida, and for the true and faithful discharge of the duties of office to the best of knowledge and ability.

The doorkeepers, janitors, pages and other attaches, except where otherwise specifically provided in these rules, shall be under the supervision of the Sergeant At Arms.

It shall be the duty of the Sergeant At Arms to attend the Senate during its sessions and maintain order under the direction of the President or other presiding officer; to execute the commands of the President of the Senate and of the Senate, and all processes, issued by authority thereof, directed to him; to have charge of all property of the Senate, to disburse the expendable materials of the Senate to members of the Senate for their official use; to cause to be printed the number of Journals and Calendars of the Senate certified to him by the Secretary of the Senate and to comply with any orders or Resolutions of the Senate; to have general charge of the gallery of the Senate provided for the public and press, and maintain order therein; and to police the Senate Chamber and committee rooms and be responsible therefor.

1.4—The President of the Senate shall appoint the Senate Chaplain, secretary to the President and a bill clerk for his office. The Committee on Rules and Calendar, subject to the approval of the President, shall employ such additional attaches and personnel as may be reasonably necessary to fulfill the functions of the State Senate. The President shall have the right to discharge any employee or attache of the Senate, except those officers elected by it, and the pay of such employee or attache shall stop upon the day of discharge. Each Senator shall be entitled to one (1) attache, the name of which shall be submitted to the Committee on Rules and Calendar.

The number of pages shall not exceed eight (8) and shall be at least thirteen (13) years of age and under seventeen (17) years of age. The number of messengers shall not exceed six (6) and shall be over seventeen (17) years of age. These employees shall be selected by the Committee on Rules and Calendar.

All other questions, motions or resolutions involving legislative expenditures shall be referred to, or originated by, the Committee on Rules and Calendar.

1.5—No employee or attache of the Senate shall, directly or indirectly, interest or concern himself or herself with the passage or consideration of any measure whatsoever. If any employee or attache so interests, or concerns himself or herself with any measure it shall be grounds for summary dismissal.

1.6—Employees and attaches shall perform the duties assigned to them by orders of the President and allotted them by rule or custom of the Senate. All such attaches and employees shall remain on duty at all times when the Senate is in session. When the Senate is not in session, they shall observe the same hours of employment as regular capitol employees. Committee clerks and secretaries shall be available for the convenience of the several committees and of the individual members of the Senate.

1.7—If employees are absent without prior permission, save for just cause, they shall be dropped from the payroll or forfeit compensation for the period of absence.

1.8—In all cases of ballot, a majority of the votes

Election by  
Ballot

given shall be necessary to an election. Where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained. If, however, no one be elected on the first three (3) ballots, then the names after the top two (2) in number of votes received on the third tally of the votes shall be dropped and the Senate shall ballot on the two (2) names remaining. In all balloting, blank ballots shall be rejected and not taken into the count in enumeration of votes reported by the teller.

## Rule Two

### THE PRESIDENT AND PRESIDENT PRO TEMPORE

2.1—The President shall take the chair on every legislative day precisely at the hour to which the Senate adjourned at the last sitting, immediately call the Senators to order and, on the appearance of a quorum, cause prayer to be said and the Journal of the previous proceedings to be approved and proceed to other business.

2.2—The President shall preserve order and decorum and, in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared.

2.3—The President shall have general control of the Chamber, corridors, passages and rooms of the Senate whether in the Capitol or elsewhere.

2.4—The President shall sign all acts, joint resolutions, resolutions, memorials, writs, warrants, subpoenas, and authorizations for payment or other papers issued by the Senate. The President shall approve vouchers for secretarial, travel and other office expense of Senators during periods when the Senate is not in session. He shall decide all questions of order, subject to an appeal by any Senator. He may require the Senator raising a point of order to cite the rule or other authority in support of the question. Upon appeal, no Senator (except the Senator taking the appeal) shall speak more than once, save by permission of the Senate. The Senator taking the appeal shall have the right to close the debate.

2.5—The President shall appoint all standing, select and conference committees which, from time to time, may be ordered by the Senate.

2.6—The President shall not be required to vote in ordinary legislative proceedings other than on final passage of a bill or resolution, except where his vote would be decisive. In all yea and nay votes, the President's name shall be called last.

2.7—The President shall have the right to name any Senator to perform the duties of the Chair, but such substitution shall not extend beyond one (1) legislative day. In his absence and omission to make such

Calling the  
Senate to order;  
and correction of  
the Journal

The President  
preserves order  
on floor, in  
galleries and  
lobby

The President's  
control of  
Chamber,  
corridors, and  
rooms

The President's  
signature to acts,  
warrants, sub-  
poenas, etc.; and  
decision of ques-  
tions of order  
subject to appeal

Appointment of  
Committees

The  
President's  
Vote

Vacating  
Chair

Designation and  
dismissal of  
employees

Employees  
forbidden to lobby

Hours of  
employment and  
duties of employees

Penalty for  
absence of  
employees without  
permission

appointment, the President Pro Tempore shall act during his absence.

2.8—Upon the death of the President, the President Pro Tempore shall perform the duties of the office until and unless the Senate shall elect a successor. Upon and during the disability, absence or incapacity of the President beyond one legislative day, the President Pro Tempore shall perform his duties.

President  
Pro Tempore

### Rule Three

#### THE SECRETARY OF THE SENATE

3.1—In the absence of the President and President Pro Tempore of the preceding session, the Secretary of the Senate shall, at the beginning of the session of the Legislature, or at the organizational session, call the Senators to order, and pending the election of a President or President Pro Tempore, preserve order and decorum, and decide all questions of order subject to appeal by any Senator. The duties of this Section may be delegated by the Secretary to any Senator.

Secretary's  
duties at  
organization

3.2—The Secretary shall cause to be kept a correct Journal of the proceedings of the Senate, and this daily Journal shall be numbered serially from the first day of each session of the Legislature. He shall superintend the engrossing, enrolling and transmitting of bills, resolutions and memorials; shall not permit any records or papers belonging to the Senate to be taken out of his custody other than in the regular course of business and only then upon proper receipt and shall report any missing papers to the President.

3.3—The Secretary shall prepare a daily Calendar which shall set forth: (1) the order of business; (2) the nature of the committee report on each bill, i.e., whether favorable, favorable with committee amendments or favorable with committee substitute, and (3) the status of each bill, i.e., whether on second or third reading.

Prepares  
daily Calendar

3.4—The Secretary shall have read to the Senate all papers ordered to be read; note responses of Senators when the roll is called to determine the presence of a quorum; call the roll and note the answers of Senators when a question is taken by yeas and nays; assist, under the direction of the President, in taking the count when any vote of the Senate is taken by a show of hands or otherwise.

Reads papers,  
calls roll

3.5—The Secretary shall attest to all writs, warrants, subpoenas and authorizations for payment issued by order of the Senate and to the passage of all bills, resolutions and memorials.

Attests warrants  
and subpoenas;  
Certifies passage

3.6—The Secretary shall prepare the copy for all printed forms used by the Senate.

Prepares  
printed forms

3.7—The Secretary shall assign such assistants as may be authorized by the President for the performance of the duties required of him. These assistants shall be subject to the Secretary's orders.

Assigns  
assistants

3.8—The Secretary shall examine bills upon their tender for introduction to determine whether superficially these meet the requirements of the Constitution for the presence of the enacting or resolving clause or provision in local bills for advertising or for referendum but beyond calling an apparent defect to the attention of the introducer, the obligation of the Secretary shall end and responsibility for legal and constitutional correctness shall be that solely of the introducer.

Responsibility  
for legal form  
of bills, etc.

3.9—The Secretary shall maintain, in addition to a numerical index of bills and resolutions, a cumulative index of measures by their introducers.

Keeps  
indices

3.10—The Secretary shall keep a separate journal of the proceedings of the executive sessions of the Senate.

Separate  
Journals

3.11—The Secretary or a member of his staff designated by him shall take acknowledgments where required by Senate rule.

Takes  
acknowledgments

### Rule Four

#### MEMBERS AND CODE OF ETHICS

4.1—Every Senator shall be within the Senate Chamber during its sittings unless excused or necessarily prevented, and shall vote on each question put, except as otherwise provided for in these rules.

Attendance  
and  
voting

4.2—The President may excuse any Senator from attendance on the Senate and its committees for any stated period, and such excused absence shall be noted on the Journal.

Excused  
Absence

4.3—Any Senator absenting himself from attendance on the Senate or its committees, and having in his possession any papers relating to the business before the Senate, shall leave such papers with the Secretary before departing from the Capitol Building.

Papers  
shall be  
left

4.4—Any Senator who answers roll call at the opening of any daily session, or who enters after roll call and announces his presence to the Senate, shall thereafter be deemed as present unless leave of absence is obtained from the President.

Members  
deemed  
present  
unless  
excused

4.5—In cases of contest for a seat in the Senate, notice setting forth the grounds of such contest shall be given by the contestant to the Senate prior to the day of the organizational session of the Legislature, and in such case, the contest shall be determined by majority vote as speedily as reasonably possible.

Contested  
seat

4.6—Each Senator shall be entitled to such facilities and expense as may be necessary and expedient to the fulfilment of the duties of the office, the location and sufficiency of which shall be determined by the Committee on Rules and Calendar.

Facilities for  
Members

**Legislative Conduct** 4.7—Every Senator shall so conduct himself to justify the confidence placed in him by the people and by personal example and admonition to colleagues shall maintain the integrity and responsibility of his office.

**Improper Influence** 4.8—A Senator shall not accept anything which will improperly influence his official act, decision, or vote.

**Conflicting Employment** 4.9—A member of the Senate shall not allow his personal employment to impair his independence of judgment in the exercise of his official duties.

**Undue Influence** 4.10—A member of the Senate shall not use his influence as a Senator within a state board, commission, or public agency in any matter which involves substantial conflict between his personal interest and his duties in the public interest.

**Disclosure** 4.11(a)—A member of the Senate prior to taking any action or voting upon a measure in which he has a personal, private, or professional interest which would inure to his special private gain or the special gain of any principal to which he is obligated, shall disclose the nature of his interest as a public record in a memorandum filed with the Secretary of the Senate.

**Disqualification** 4.11(b)—Upon disclosure, a member may disqualify himself from voting on a measure in which he has a conflict of interest.

**Legislative Employees** 4.12—A member of the Senate shall hold the employees of his office and all the other legislative employees responsible to the Code of Ethics provided herein.

**Advisory Opinions** 4.13—A member of the Senate, when in doubt about the applicability and interpretation of this rule in a particular context, shall submit in writing the facts of the situation to the Committee on Ethics of the Senate with a request for an advisory opinion to establish the standard of public duty. An advisory opinion shall be rendered by the Committee, all of said opinions to be numbered, dated, and published in the Journal of the Senate. Said opinions shall not identify the member of the Senate seeking the opinion unless such member so requests.

**Appearance Before Committee** 4.14—Any member requesting an opinion from the Committee on Ethics, after submitting the facts of the situation in writing, may appear in person before the Committee.

**Penalties for Violations** 4.15—Separately from any prosecutions or penalties otherwise provided by law, any member of the Senate, determined to have violated the requirements of this rule may be censured, reprimanded, placed on probation, or expelled. Such determination and disciplinary action shall be taken by a two-thirds ( $\frac{2}{3}$ 's) vote of the Senate, upon recommendation of the Committee on Ethics. The Committee on Ethics, before making said recommendation, shall conduct a hearing, after reasonable notice to the Senator alleged to have violated this rule and granting said Senator an opportunity to appear at the hearing.

## Rule Five

### COMMITTEES

5.1—At, or prior to the commencement of each regular session of the Legislature, the President shall appoint the membership of these standing committees:

Agriculture and Livestock

Anti-Crime

Apportionment, Resolutions and Memorials

Appropriations

Banking, Securities and Loans

Citrus

Congressional Liaison, Intergovernmental and Veterans Affairs and Communications

Education—Higher Learning

Education—Public Schools and Junior Colleges

Ethics and Privileged Businesses

Finance and Taxation

Game and Fish

Governmental Reorganization

Health and Welfare

Insurance

Judiciary "A"

Judiciary "B"

Labor and Industry

Mental Health, Retardation and State Institutions

Public Roads and Highways

Retirement and Claims

Rules and Calendar

Transportation and Safety

Urban Affairs and Local Government

Water Conservation, Salt Water and Natural Resources

Resolutions proposing constitutional amendments or constitutional revision shall be referred to the Committee on Rules and Calendar.

Each committee shall consist of not less than five (5) nor more than twenty-five (25) members, one of whom shall be designated by the President as Chairman and another as Vice Chairman.

Committees shall meet on the call of the Chairman; or, in his absence, the Vice Chairman.

5.2—The Chairman, or in his absence, the Vice Chairman, shall cause to be given at least two (2) hours prior notice in writing to the introducer of any bill to be considered by a committee, and any Senate bill or resolution reported unfavorably by any committee without such notice to and an opportunity to be heard having been given to its introducer, shall be recommitted to the committee reporting the same unfavorably upon the point of order being made within one (1) day after such report is printed in the Journal. This privilege shall also extend to any Senator, not an introducer, who has given the Chairman written notice of his desire to be heard on a specific bill, provided such notice shall have been given at least two (2) hours prior to the committee meeting. The committee to which the bill or resolution

Notice to  
Introducers

is thus committed shall proceed to reconsider it and shall report on it as if originally referred. This Rule shall also apply to House bills and resolutions.

**Committee Meetings** 5.3—Committees shall dispatch as expeditiously as reasonably possible and proper the public business assigned them. Committees shall meet at the call of the Chairman at the times and places of meeting designated by the Committee on Rules and Calendar.

**Where Committees Meet** 5.4—Notices of regular committee meetings shall be posted on the bulletin board by the Sergeant At Arms and filed with the Secretary of the Senate.

No committee shall meet while the Senate is in session without special leave, except the Committee on Rules and Calendar. Before any standing committee of the Senate holds a meeting while the legislature is not in session a notice of said meeting shall be filed with the Secretary of the Senate at least seven days prior thereto.

**Open Meetings** 5.5—All meetings of all committees shall be open to the public at all times, subject always to the power and authority of the Chairman to maintain order and decorum. If any matter is reported on the basis of a poll of the committee such matters shall be re-referred to the committee upon a point of order.

**Time of Reporting** 5.6—Every bill, joint resolution, resolution and memorial referred to a committee or committees shall be reported back before 4:30 P. M. of the fifteenth (15th) calendar day from the day of reference (the day of reference being counted as the first day) unless otherwise ordered by the Senate. It shall be the duty of standing committees to report all measures referred to them either (a) favorably, (b) favorably with committee amendment, (c) favorably with committee substitute as defined in these Rules, or (d) unfavorably, but never "without recommendation."

**Style of Reports and Committee Voting** 5.7—Each report of a committee shall contain the action of the committee on the bill or other measure being transmitted, together with (a) the time and place of the meeting at which the action was taken, (b) the name and address of each person addressing the committee relative to the measure and, if any agent, the interest represented, and (c) the vote of each member of the committee on the motion to report each bill or resolution. The Secretary shall enter upon the Journal the action of the committee, but the entry shall not include those portions of the report previously enumerated in this Rule as items (a), (b), and (c). After the report has been filed with the Secretary as provided in these Rules, he shall preserve it for the convenient inspection of the public.

**Quorum and Attendance upon Committee Meetings** 5.8—No member of a committee shall be allowed under any circumstances to vote by proxy. A majority of all the committee members present shall agree by their votes upon the disposition of any bill or other matter considered by the committee. A member shall be expected to attend all meetings of a committee to which he has been appointed. Failure to attend two (2) consecutive regular meetings, unless excused from attendance in the Senate on those days as provided in these Rules, or by the

Chairman of the Committee shall constitute automatic withdrawal from the committee and create a vacancy. Upon notification by the Chairman of the Committee, the President shall make appointments to such vacancies. A Committee is actually assembled only when a quorum constituting a majority of the members thereof is present in person. Any Bill or Resolution reported in violation of this Rule shall be forthwith recommitted by the President when it is called to his attention by a Senator.

**Recommitting after Report** 5.9—All matters referred to committees shall be reported from said committees by bill, resolution or otherwise with their recommendations thereon, and after such report has been received by the Secretary no bill, resolution or other matter shall be recommitted to a designated committee except by two-thirds vote of the Senators present and voting.

**Committee Reports** 5.10—All favorable reports by committees (signed by the Chairman, or, in his absence, the Vice Chairman) shall be made on forms prescribed by the Secretary of the Senate and furnished by the Sergeant At Arms (supply room) and filed with the Secretary's office at the desk designated therefor by 7:30 P. M. of each legislative day, except that during the first thirty (30) days of the session, reports shall be filed by 5:00 P. M. on Fridays. These reports must be accompanied by the original bill, joint resolution, resolution or memorial, and the titles and numbers thereof shall be entered on the Calendar (at the appropriate reading). The bill numbers shall be entered on the Journal, together with the statement that the same was reported favorably by the committee of reference. Each report by a committee must set forth the identifying number of the measure, and, if amendments are proposed by the committee, the words "with amendments" shall follow the identifying number. Committee amendments shall be typewritten in full on amendment forms, numbered serially and attached to the measure. All unfavorable reports (signed by the Chairman, or in his absence, the Vice Chairman), of committees on bills, joint resolutions, resolutions and memorials shall be returned to the Secretary in the same manner set forth for making favorable reports. All bills, joint resolutions, resolutions and memorials reported unfavorably shall be laid on the table but upon motion by any Senator, adopted by a two-thirds vote of the Senators present, the same may be taken from the table.

**Reports of Substitutes** 5.11—A committee may, in reporting a bill, joint resolution, resolution, or memorial, draft a new measure, embracing the same general subject matter, to be returned to the Senate with the recommendation that the substitute be considered in lieu of the original measure (or measures). The substitute measure must be accompanied by the original measure referred to the committee and returned to the Secretary in the same manner as the favorable reporting of any other measure. When the original measure is reached upon the Calendar, the substitute shall be read a first time by title. At the moment the substitute is read for the first time by title, the original proposition shall be automatically tabled and the substitute considered in lieu thereof without motion. The substitute shall carry the identifying number (or numbers) of the original, and shall be returned to the Secretary in the same number of copies required for first introduction of a similar measure (an original and five (5) exact copies for bills).

5.12—The Senate may, by a majority vote of all Senators present, resolve itself into a Committee of the Whole, which, when thus constituted, may consider any question whether formally introduced in the Senate or not. The Senate may, however, restrict the subject matter to be considered by the Committee of the Whole, or its jurisdiction, by resolving itself into a Committee of the Whole for a specific and limited purpose. The President shall preside and maintain order and decorum. The rules of the Senate shall govern when applicable to standing committees. The Committee of the Whole may consider and report, by majority vote of the members present, upon any bill, resolution or question not formally introduced in the Senate and any bill upon which all standing committees of reference have rendered a favorable report. No bill or resolution upon which no committee action has been taken by the committee or committees of reference or upon which an unfavorable committee report has been filed may be taken up and considered except upon a two-thirds ( $\frac{2}{3}$ ) vote of the Senators present, which vote shall also be required to favorably report any such bill or resolution to the Senate. A favorable report by a Committee of the Whole upon a bill or resolution having theretofore received an unfavorable report by a standing committee of reference shall not have the effect of withdrawing such bill or resolution from the table. Consideration by the Senate of such a bill or resolution shall be preceded by the adoption of the appropriate motion during a session of the Senate. Bills considered by a Committee of the Whole shall be read once, debated, amended, and acted upon as a standing committee function. The body of a bill formally introduced shall not be interlined or defaced, but all amendments denoting the page and line shall be entered on separate paper by the Secretary, who shall be Secretary of the Committee of the Whole, and the same shall be agreed to by the Committee, and the report filed as otherwise provided in these rules for Committee reports. After report, the bill or other matter may be again debated and shall be subject to be again amended by the Senate. The quorum for a Committee of the Whole shall be the same as for the Senate, and when the Committee of the Whole shall rise, the roll shall be called to ascertain the presence of a quorum of the Senate.

5.13—The receiving of reports of committees of conference shall always be in order, except when the Senate is voting on any proposition. After Senate conferees on any bill or resolution in conference between the Senate and House shall have been appointed for seven (7) calendar days and shall have failed to make a report, it is hereby declared to be a motion of the highest privilege to move to discharge said Senate conferees and to appoint new conferees, or to instruct said Senate conferees; and, further during the last six (6) calendar days allowed under the Constitution for any regular session, it shall be a privileged motion to move to discharge, appoint, or instruct Senate conferees after Senate conferees shall have been appointed thirty-six (36) hours without having made a report. There shall accompany every conference report a statement sufficiently explicit to inform the Senate what effect such amendments or propositions will have upon the measures to which they relate. Upon presentation of the report of a conference committee, the vote first shall be whether the report shall be considered at that moment and second upon the

acceptance or rejection thereof as an entirety. The report or reports of a conference committee must be acted upon as a whole, being agreed to or disagreed to as an entirety. When any bill or joint resolution is referred to a conference committee and the conferees on the part of the Senate report inability to agree, no action of the Senate taken prior to such reference to a conference committee shall preclude further action on said measure as the Senate may determine. Conference committees shall consider and report only on the differences existing between the Senate and the House.

5.14—Witnesses subpoenaed to appear before the Senate or its committees shall be paid as follows: for each day a witness shall attend, the sum of seven (\$7.00) dollars; for each mile he shall travel in coming to or going from the place of examination, by the nearest practical route the sum of seven and one-half cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of hearing.

Fees for  
Witnesses

Rule Six

BILLS, RESOLUTIONS AND MEMORIALS

6.1—Except where specifically provided otherwise, where “bill” is used in these Rules, it shall be understood that bill, joint resolution, concurrent resolution, resolution or memorial may be meant.

“Bill” stands  
for all  
Legislation

6.2—General form. All bills, resolutions and memorials shall, to be acceptable for introduction, be typewritten, mimeographed, or printed, all in a type size of pica or larger and all of the color of black, without erasure or interlineation, on a sheet of paper of the common legal size eight and one-half by thirteen ( $8\frac{1}{2} \times 13$ ) inches. The lines shall be double spaced, the original (or first copy) shall be on stout bond paper, and the remaining copies of typewritten matter shall be on paper of good grade. The copies must be exact duplicates of the original. The top margin shall be at least two and one-half ( $2\frac{1}{2}$ ) inches and the bottom margin shall be at least one inch or more. Left and right margins shall be one and one-half ( $1\frac{1}{2}$ ) inches or more. The measure shall be aligned on the page substantially according to the following form:

(Center)  
A bill to be entitled  
(3 spaces)  
(Indent 5 spaces from outside margin)  
An act .....  
.....  
(title single spaced)  
.....  
.....  
(3 spaces)

Be It Enacted by the Legislature of the State of Florida:



(3 spaces)

Section 1. ....  
(sections double spaced)

Section 2. ....

The original and five (5) exact and legible copies (6 altogether) of each measure—general or local—must be backed with a yellow jacket of the type furnished by the Sergeant At Arms. Each must be “Backed”, that is, securely stapled in the Senate jacket form which shall contain in the spaces provided therefor enough of the title for identification of the Bill, with the name and the district of the Senator introducing same.

**6.3—Forms of Bills.** All bills shall be introduced in an original and five (5) exact copies. They shall contain a proper title, as defined in Section 16 of Article III of the Constitution, and the enacting clause, “Be It Enacted by the Legislature of the State of Florida:”. The title of each bill shall be prefaced by the words, “A bill to be entitled An act” wherever the title appears on the text of the bill.

A Bill shall be typewritten in pica type, or larger, using a black typewriter ribbon, or mimeographed or printed in black, according to prescribed form without erasures or interlineations on plain white paper of legal size (8½ x 13 inches).

Six (6) title sheets are required to be attached by paper clip to the top of the *original copy* of each bill. Title sheets are furnished by the Sergeant At Arms of the Senate with carbons already inserted. *Do not remove the carbons from the title sheets.*

On each title sheet there must be typed, glued or taped in the space provided a *brief summary of the title* including the *subject* content of the bill and sections amended. If the title is short the entire title may be used on the title sheet. *Capitalize only the first letter* of a sentence, name of person, city, state or county. Lower case all other words in the title. The title sheets with carbons unseparated must be attached by paper clips to the top of the original copy of the bill before bill can be introduced or filed.

The original and five copies (6 altogether) must have clearly stamped on the jacket of each, above the space provided for the number, “Original, Duplicate, Third Copy, Fourth Copy, Fifth Copy, House Copy.”

**6.4—Form of local bills.** As required by Section 21 of Article III of the Constitution, all local bills must either embody provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement. Forms of affidavit shall be obtained from the Sergeant At Arms. All local Bills which require publication shall, when introduced have proof of publication securely attached to the original copy of the Bill as the first or front page thereof and the words “Proof of Publication Attached” clearly typed or stamped on the Senate side of the bill jacket or cover or the same shall be rejected by the Secretary.

**6.5—Form of joint resolutions.** All joint resolutions shall be introduced in an original and seven (7) exact copies. They shall contain the resolving clause, “Be It Resolved by the Legislature of the State of Florida:”. Each joint resolution shall be prefaced by the words, “A Joint Resolution proposing an Amendment to the Constitution of the State of Florida”. No title sheet shall be required for joint resolutions. Jackets shall be attached to the original and five copies of each resolution. The two (2) remaining unbacked copies shall be attached to the inside of the original copy of the resolution by paper clip for introduction.

**6.6—Forms of memorials.** All memorials—these express the opinion of the Legislature to the Congress of the United States—shall be introduced in an original and seven (7) exact copies. They shall contain the resolving clause, “Be It Resolved by the Legislature of the State of Florida:”. No title sheet shall be required for memorials. Jackets shall be attached to the original and five (5) copies of each memorial. The two (2) remaining unbacked copies shall be attached to the inside of the original copy of the memorial by paper clip for introduction.

**6.7—Form of Senate and Concurrent resolutions.** All Senate resolutions and all concurrent resolutions shall be introduced in an original and seven (7) exact copies. They shall contain a proper title, and a resolving clause. In the case of Senate resolutions, this shall be, “Be It Resolved by the Senate of the State of Florida:”. Concurrent resolutions embody this clause, “Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:”. Jackets shall be attached to the original and five (5) copies of each resolution. The two remaining unbacked copies shall be attached to the inside of the original resolution by paper clip for introduction. Where copies of Senate resolutions are directed in the resolution to be furnished any person after adoption, these shall be prepared only by the Secretary of the Senate. The Secretary of State shall prepare certified copies only on concurrent resolutions after their adoption.

**6.8—All bills, resolutions, concurrent resolutions, joint resolutions and memorials shall be pre-** filed with the Committee on Rules and Calendar prior to being filed with or numbered by the Secretary of the Senate.

**6.9—Upon introduction, all bills not local in applica-** tion and all joint resolutions (including committee bills and committee substitute bills) shall be printed for the information of the Senate and the public. Unless otherwise ordered by the Senate or the President, there shall be printed five hundred (500) copies of each such measure. The Secretary shall furnish the copy for all such printing. This printing of bills shall be independent of the legislative process, and the absence of a printed copy shall not delay the progress of any measure at any stage of the legislative process.

**6.10—Bills and other measures requiring legislative** action shall be introduced in the order they are received at the desk of the Secretary. They shall be serially numbered as introduced, without differentiation in number as to type. The Secretary shall mark the original copy of each measure as will insure its identification, and each page thereof, as the item introduced in order to prevent



unauthorized or improper substitutions therefor. This identification may be by the use of machines as used in banks for validating or cancelling checks or other documents, or by the use of any other device to accomplish the purpose of this rule. Any such device so used shall be used by and at all times shall be in the custody of the Secretary and its use by any person not authorized by this rule shall be prohibited.

**6.11—**Whenever any bill, memorial, concurrent resolution, or joint resolution of the Senate shall be reached on the Calendar of the Senate for consideration, either on second or third reading, and there shall be also pending on the Calendar of the Senate a companion measure already passed by the House, it shall be in order to move that the House companion measure be substituted and considered in lieu of the Senate bill, memorial, concurrent resolution, or joint resolution. Such motion may be adopted by a majority vote, provided the House measure is on the same reading, otherwise the motion shall be to waive the rules by two-thirds vote and take up and read such House measure. A companion measure shall be in the identical words as the measure for which it is being substituted. At the moment the Senate passes the House companion measure, then the original Senate measure shall be regarded as automatically tabled. Re-commitment of a Senate bill shall automatically carry with it any House companion bill then on the Calendar.

**6.12—**Except as otherwise provided by these rules, Bills, joint resolutions, concurrent resolutions, memorials or resolutions shall be introduced only by a Senator or group of Senators whose signature or signatures are affixed to the original thereof. The general appropriations bill shall, however, be introduced by the Committee on Appropriations. Reports and resolutions dealing with these Rules or the Order of Business may, however, originate in the Committee on Rules and Calendar. This rule shall not be construed to prohibit the offering of a committee substitute for any bill, joint resolution, concurrent resolution, memorial or resolution referred to such committee if the committee substitute is germane to the original bill referred to such committee.

After five (5) days from the introduction of a bill, the entry in the journal reflecting a request to be shown as a co-introducer thereof shall bear only the date of such request which shall be either by motion or by written request to the Secretary.

**6.13—**Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President be read, noted in the Journal or filed with an appropriate committee. When the reading of a paper other than one upon which the Senate is called to give a final vote is demanded, and the same is objected to by any Senator, it shall be determined without debate by a majority vote of the Senate.

**6.14—**The sections of bills filed for introduction on or after April 21, 1967, which propose to amend existing provisions of the Florida Statutes or of the Florida Constitution shall show the words to be added with underlining, i.e., *new material*, and the words to be deleted shall be shown in regular type lined through with hyphens, i.e., [deleted material]. Printed bills shall show the words to be added in italics, and the words to be

deleted shall be enclosed in brackets. Such bills shall be prepared on bill paper furnished for this purpose.

This requirement shall apply only to amendments to the Florida Constitution and the official statute law of the state as contained in Florida Statutes pursuant to Section 16.19, F.S. It shall not apply to any section of a bill that contains only new material. When the rewording of a provision is so substantial that to follow the above procedures would fail to serve the convenience of the members in understanding the proposed amendment, it shall not be necessary to follow said procedures but in lieu thereof, a notation similar or equivalent to the following shall be entered preceding the provision: "Substantial rewording of section. See Section . . . . ., F.S., for present text."

The words to be deleted and the above-described indicators of such words and of new material are for the convenience of the members only and shall not be considered to constitute a part of the bill under consideration. The words to be deleted and the indicators of new and deleted material shall be removed upon enrolling of the act.

Section catch lines shall not be typed with underlining, nor shall any other portion of a bill covered by this rule other than new material.

## Rule Seven

### ORDER OF BUSINESS AND CALENDAR

**7.1—**The Senate shall meet each legislative day at 9:30 a.m. and recess at 12:00 noon to reconvene at 1:30 p.m. and adjourn at 4:00 p.m.

**7.2—**The daily order of business shall be as follows:

1. Roll Call.
2. Prayer by Chaplain.
3. Correction and approval of Journal.
4. Reports of Committees.
5. Introduction and reference of Resolutions, Memorials, Bills and Joint Resolutions.
6. Motions relating to committee reference.
7. Messages from the Governor.
8. Messages from the House of Representatives.
9. Consideration of Senate and other Resolutions.
10. Matters on reconsideration.
11. Unfinished business.
12. Special Order as determined by the Committee on Rules and Calendar or by the Senate.
13. Consideration of Bills and Joint Resolutions on Third Reading.
14. Consideration of Bills and Joint Resolutions on Second Reading.
15. Miscellaneous Business.
16. Petitions and Memorials.

On the first legislative day of each week the Daily Order of Business shall include, after prayer, the Pledge of Allegiance to the Flag of the United States of America.

A vote of two-thirds of the Senators present shall be required to establish a Special Order. The Secretary of

the Senate shall prepare and cause to be distributed, on each legislative day, a calendar corresponding to the Order of the Day and within each order of business, matters shall be considered in the order in which they appear on such daily calendar. Local bills may be omitted from the formal calendar and may be distributed to Senators by the Secretary separately.

It shall be in order to receive messages from the House of Representatives by majority vote when on any order of business.

7.3—All bills, and joint resolutions, including those which are strictly local in nature, shall be referred to an appropriate committee or committees whose jurisdiction embraces the subject of the bill. The reference of a bill which is strictly local in nature shall be to the Committee on Rules and Calendar for the sole purpose of determining that such measure is in fact and function local in nature and whether it responds to the legal requirements of a local bill. A bill is local in nature if it does not alter a law of general application throughout the state and affects only one county. Upon the determination, by the Committee on Rules and Calendar, that a bill is in fact and law a local bill, it shall forthwith be reported and referred to the calendar on local bills.

7.4—In case of multiple reference of a Bill, Resolution or Memorial to two or more committees said Bill, Resolution or Memorial shall be considered by each committee separately in the order in which the multiple reference is made, but if any Committee to which the Bill, Resolution or Memorial is referred makes an unfavorable report on said Bill that report shall be filed with the Senate and no further consideration given by other Committees except on two-thirds vote of the membership of the Senate.

7.5—All bills carrying or affecting appropriations, including claim bills in excess of \$1,000, shall be referred to the Committee on Appropriations, and all bills affecting tax matters, so as to increase, decrease, alter, impose or remove a tax, shall be referred to the Committee on Finance and Taxation, but, in addition, such bills may be referred to other standing committees in the discretion of the President. If the original bill reported favorably by a committee other than the Committees on Appropriations or Finance and Taxation did not call for or affect an appropriation or affect a tax matter, and an amendment, offered either from the floor or by the reporting committee and adopted, does call for or affect an appropriation or affect a tax matter, then the bill with amendment shall be referred to the Committee on Appropriations or the Committee on Finance and Taxation, whichever is appropriate. The bill, if then reported favorably, shall be returned at the same reading as when referred.

7.6—All resolutions shall be referred by the President to a standing committee, except that resolutions on Senate organization and of condolence and commemoration, or concurrent resolutions recalling a bill from the Governor's office, may be taken up upon motion and adopted at time of introduction without reference.

7.7—When the President has referred a bill or joint resolution, any Senator may, during that day at any time, but no later than under the Order of Business of "Motions Relating to Committee Reference" on the succeeding legislative day, move for reference to a different committee or for removal from any committee which motion may be adopted by a two-thirds vote.

7.8—Papers of a miscellaneous nature addressed to the Senate may, at the discretion of the President, be read, noted in the journal or filed with an appropriate committee.

7.9—Each bill or joint resolution shall receive three (3) separate readings on three (3) separate days previous to a vote upon final passage unless two-thirds of the Senators present decide otherwise.

(Constitution: Article III, Section 17—"Every bill shall be read by its title, on its first reading, in either house, unless one-third of the members present desire it read by sections. Every bill shall be read on three several days, unless two-thirds of the members present when such bill may be pending shall deem it expedient to dispense with this rule. Every bill shall be read by its sections on its second reading and on its final passage, unless on its second reading two-thirds of the members present in the House where such bill may be pending, deem it expedient to dispense with this rule. The vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journal of each house; Provided;—That any general revision of the entire laws embodied in any bill shall not be required to be read by sections upon its final passage, and its reading may be wholly dispensed with by a two-thirds vote. . . .")

7.10—Each concurrent resolution or memorial shall receive two (2) readings on two (2) separate days previous to a voice vote upon adoption, unless two-thirds of the Senators present decide otherwise. If the reading on the second day be dispensed with by this waiver, then the concurrent resolution or memorial may be read the second time by title only.

7.11—Each Senate resolution shall be read by title only upon introduction. Each Senate resolution then shall be read an additional time in full before the question is put on adoption by voice vote.

7.12—Upon the third reading of any bill or joint resolution, it shall not be committed (save to the Committees on Appropriations or Finance and Taxation under this Rule) or amended, except as to title, without consent of two-thirds of the Senators voting, nor shall the vote on passage be postponed to a day certain without the consent of a majority of those voting.

7.13—A general bill or joint resolution may be considered out of its regular order on the Calendar upon unanimous consent obtained in the following manner: The Senator moving the Senate for such unanimous consent shall have, prior to the entertainment of such motion first orally given the mem-

Reference to  
Different  
Committee  
or removal

Reference of  
papers of  
miscellaneous  
nature

Reading of  
Bills and  
Joint  
Resolutions

Reference  
Generally

Reference to  
more than one  
Committee

Reference to  
Committee on  
Appropriations  
and Committee on  
Finance and  
Taxation

Reading of  
Concurrent  
Resolutions and  
Memorials

Reading of  
Senate  
Resolutions

Referral or  
Postponement on  
Third Reading

Consideration  
of Bills out of  
regular order

bership not less than fifteen (15) minutes notice of his intention to so move which said notice shall specify the number of the bill or joint resolution and its position on the Calendar. The moving Senator shall be allowed one (1) minute upon the entertainment of such motion to explain his purpose and unanimous consent shall then be given or refused without further debate.

7.14—The calendar for each legislative day shall be determined by the Committee on Rules and Calendar.

7.15—Local bills shall be disposed of according to the Calendar of Bills of a Local Nature and shall be taken up and considered only at such time as shall be specially determined.

No local bill will be passed unless such bill is read by title or unless a note is delivered to the Secretary of the Senate signed by all Senators representing counties affected by such local bill, indicating the ayes or nays of those Senators affected.

7.16—Before any general bill or joint resolution shall be read the third time, whether amended or not, it shall be referred without motion to the Engrossing Clerk for examination, and, if amended, the engrossing of amendments. In cases where no amendments have been adopted, the measure may be returned to the Senate on the following legislative day as engrossed without being rewritten and without Journal entry. Where an amendment has been adopted, this shall be carefully incorporated in the measure by being typewritten on stout bond paper without erasure or interlineation. After return to the Senate, the measure shall be placed on the Calendar of Bills on Third Reading. No reference under this section need be made of local bills which have not been amended in the Senate. In the case of any House bill amended in the Senate, the amendment adopted shall be typewritten in triplicate and attached to the bill amended in such manner that it will not be likely lost therefrom. No Senate bill with House amendment shall be accepted by the Secretary from the House unless the amendment be typewritten in triplicate.

7.17—The order of disposition of any bill or joint resolution which has been read the second time shall be its reference to the Engrossing Clerk to be engrossed after all questions relative to it while on a second reading have been disposed of, and the same shall be immediately engrossed and placed on the Calendar of Bills on Third Reading to be taken up on some separate succeeding legislative day, unless otherwise ordered by a two-thirds vote of those present. No bill shall be committed to the Engrossing Clerk or placed on the Calendar of Bills on Third Reading unless all motions relative to it and placed, by the President, before the Senate have been disposed of. Amendments filed with the Secretary, the adoption of which has not been formally moved, shall not be construed to be pending so as to deter such advancement. A bill or joint resolution shall be determined on its third reading when it has been read a second time on a previous day and no motion left pending. Bills calendared for second or third reading shall not be considered as properly before the Senate for consideration on such reading until reached on the Calendar and appropriately read to the Senate pursuant to order of the President.

7.18—The Enrolling Clerk shall be responsible for the enrolling of bills and other legislation. After enrollment, all bills shall be signed by the President and the Secretary, and the fact of such signing shall be noted in the Journal.

7.19—Whenever the Senator who introduced any bill or resolution is absent from the chamber when such bill or resolution is reached in its regular order on any of its readings, such bill or resolution shall be passed and placed at the foot of the calendar, and shall not be taken up out of order or its place on the calendar changed against the order of progress, except by unanimous consent; and if such bill or resolution shall not be finally voted upon when for the third time it is reached in regular order it shall be automatically tabled.

## Rule Eight

### VOTING

8.1—The President shall declare all votes. Upon every roll call the names of the Senators shall be called alphabetically by surname provided that when two or more Senators have the same surname the number of the applicable senatorial district shall be added. The President's name shall be called last. Upon the taking of a voice vote if the President is in doubt or if a count is required by at least five Senators, a roll call shall be taken.

8.2—After the roll has been called on any matter, but before the President has announced the result thereof, any Senator may change his vote. After the vote has been announced by the President a Senator may change his vote with the unanimous consent of the Senators present provided that no such change of vote shall be valid where such change has the effect of altering the final passage of the measure. When a Senator's request to change his vote has the effect of altering the final passage of the measure, the procedure to be followed shall be a motion to reconsider the vote by which such measure was adopted or failed of adoption.

8.3—No Senator shall vote for another Senator, nor shall any person not a Senator cast a vote for a Senator.

8.4—Pairing shall be permitted only upon the absence of a Senator for good cause and shall be in writing and specifically state the bill or bills or questions upon which pairs are arranged.

8.5—No Senator shall be permitted to explain his vote during a roll call, but may reduce his explanation to writing, and upon filing with the Secretary, this explanation shall be spread upon the Journal.

## Rule Nine

### MOTIONS AND THEIR PRECEDENCE

9.1—Every motion may be made orally. Upon request of the President, a Senator shall reduce his motion to writing. After a motion has been stated or read by the President it shall be deemed to be in possession of the Senate, without a second, and shall be disposed of by

vote of the Senate. The mover may withdraw a motion, except a motion to reconsider, as hereinafter provided, at any time before the same has been amended or before a vote thereon shall have been commenced.

9.2—When a question is under debate the President shall receive no motion except:

Motions:  
Precedence

1. To adjourn at a time certain;
2. To adjourn instantaner;
3. To take a recess;
4. To proceed to the consideration of executive business;
5. To reconsider;
6. To limit debate;
7. To postpone to a day certain;
8. To commit to the Committee of the Whole;
9. To commit to a standing committee;
10. To commit to a select committee;
11. To amend;
12. To postpone indefinitely;

which several motions shall have precedence in the descending order given.

The President shall propound all questions in the order in which they are moved unless the subsequent motion be previous in nature.

9.3—Motions to adjourn, to recess or to proceed to the consideration of executive business shall be decided without debate by a majority vote of those present and voting. Only one substitute for a motion to adjourn shall be entertained. The substitute motion shall fix a different time for adjournment, and the same shall be put without debate, except that one (1) minute shall be allowed the mover of the substitute within which to explain his reasons therefor. The substitute motion having been lost, the question shall be put on the original motion which if lost shall preclude any further motion to adjourn until other business shall have intervened.

Motions: which  
can be made  
but once

9.4—Any Senator may call for a division of a question when the sense will admit of it. A motion to strike out and insert shall be deemed indivisible; a motion to strike out, being lost, shall neither preclude amendment nor a motion to strike out and insert.

Division of  
question

9.5—When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same Legislative day move a reconsideration thereof. If the Senate shall refuse to consider, or upon consideration shall confirm its first decision, no further motion to reconsider shall be in order, unless by unanimous consent. A motion to reconsider shall be made and acted on the same day that the question is decided. When a majority of Senators present vote in the affirmative on any claim bill or joint resolution, but the proposition be lost because it is one in which the concurrence of a greater number than a majority is necessary for adoption or passage, any Senator may move for reconsideration; or when a question is decided by voice vote any Senator may move for reconsideration.

Reconsideration:  
Generally

9.6—The motion to reconsider shall require for its adoption the affirmative votes of a majority of the Senate present and voting.

Reconsideration:  
Vote required

9.7—Debate shall be allowed on a motion to reconsider only when the question which it is proposed to reconsider is debatable. Where debate upon a motion to reconsider is in order, no Senator shall speak thereon more than once nor for a longer period than five (5) minutes.

Reconsideration:  
when debate  
allowed

9.8—The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the Senate. A motion to reconsider a collateral matter must be disposed of at once during the course of the consideration of the main subject to which it is related and such motion shall be out of order after the Senate has passed to other business.

Reconsideration:  
collateral matters

9.9—All bills and joint resolutions passed and current resolutions and memorials adopted shall be transmitted to the House without delay. All bills, when transmitted to the House, shall be accompanied by a message stating the title to the bill and asking the concurrence of that body.

Transmitted  
to House

9.10—Motions to indefinitely postpone shall be applicable only to main motions. The adoption of a motion to indefinitely postpone a measure shall dispose of such measure for the duration of the legislative session and all extensions thereof. Any motion to postpone consideration to a time beyond the last day allowed under the Constitution for the current legislative session shall be construed as a motion to indefinitely postpone.

Motion to  
indefinitely  
postpone

## Rule Ten

### AMENDMENTS

10.1—Amendments shall be sent to the Secretary on forms prescribed by him and supplied by the Sergeant At Arms, but shall be considered only as sponsors gain recognition from the President to move their adoption, except that the chairman of the committee (or in his absence, the vice chairman or any member thereof) reporting the measure under consideration shall have preference for the presentation of committee amendments. An amendment shall be deemed pending only after its sponsor has been recognized by the President and has moved its adoption and shall not be construed to include amendments which have simply been filed with the Secretary of the Senate and the adoption of which has not been formally moved.

General Form:  
Manner of  
consideration

10.2—Amendments shall be adopted on second reading of a measure by majority vote; on third reading, by a two-thirds vote, except that corrective amendments to the title, after perfection of the body, shall be decided without debate by a majority vote on second or third reading.

Adoption

10.3—An amendment to a pending amendment may be received, but until it is disposed of no other motion to amend will be in order except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order: (1) Amendments to the amendment are acted upon before the substitute is taken up. Only

Sequence of  
Amendments to  
Amendments

one amendment to the amendment is in order at a time. (2) Amendments to the substitute are next voted on. (3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment of the bill itself.

**Striking all after enacting clause** 10.4—A proposal to strike out all after the enacting clause or the resolving clause of a bill or joint resolution and insert new matter of the same general subject as stated in the original title, shall be deemed proper and germane and shall be treated as an amendment.

**Amendment by Section** 10.5—The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill or joint resolution is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order. The President shall, in recognizing Senators for the purpose of moving the adoption of amendments, endeavor to cause all amendments to Section 1 to be considered first, then all those to Section 2, and so on. After all sections have been considered separately, the whole bill or joint resolution shall be open for amendment.

**General** 10.6—All amendments taken up, unless withdrawn, shall be printed in the Journal except that an amendment to the General Appropriations Bill constituting an entirely new bill shall not be printed until the filing of the Conference Committee Report. All item amendments to the General Appropriations Bill shall be printed. No proposition on a subject different from that under consideration shall be admitted under color of amendment.

**Senate Amendments to House Bills** 10.7—Any House bill or resolution may be amended in the same manner as a Senate bill or resolution. If a House bill or joint resolution is amended the same shall be noted by the Secretary on the jacket containing same before it is reported to the House.

**House Amendment to Senate Bill** 10.8—After the reading of a House amendment to a Senate bill or joint resolution the Senate may: (1) amend the House amendment by a concurrence of the majority required for the final passage of the measure, or (2) concur in the House amendment by a concurrence of the same majority required for the final passage of the measure, or (3) refuse by the majority required to concur and ask the House to recede.

**House refusal to concur in Senate Amendment** 10.9—If the House shall refuse to concur in a Senate amendment to a House bill or joint resolution, the following motions shall be in order and shall be privileged in the order named: (1) that the Senate recede; or (2) that the Senate insist and ask for a conference committee or (3) that the Senate insist.

## Rule Eleven

### DECORUM AND DEBATE

**Decorum and Debate** 11.1—When any Senator desires to speak or deliver any matter to the Senate, he shall rise at his seat and respectfully address himself to "Mr. President," and, on being recognized, may address the Senate from his

desk or from the Well of the Senate, and shall confine himself to the question under debate, avoiding personality. During debate a Senator shall not address or refer to another Senator by his or her first name. In all such cases, a Senator shall appropriately use the appellation of Senator.

**President's Power of Recognition** 11.2—When two (2) or more Senators rise at once the President shall name the Senator who is first to speak.

**Interruption of Senate in Debate** 11.3—No Senator shall be interrupted by another without the consent of the Senator who has the floor, except by rising to a question of order. The President shall strictly enforce this Rule.

**Time for Debate** 11.4—No Senator shall speak more than once on any one question to the prevention of any other who has not spoken and is desirous to speak nor for any longer period of time than thirty minutes, without yielding the floor, except by consent of a majority of the Senators present.

**Limitation on debate** 11.5—When a measure is under debate by the Senate, it shall be in order for a Senator to move to limit debate and such motion shall be decided without debate, except that the introducer of the measure shall have five (5) minutes within which to discuss said motion, and he may divide his time with, or waive it in favor of, some other member. If, by a two-thirds vote of the Senators present, the question is decided in the affirmative, debate shall be limited accordingly. The time allotted by such limitation shall be apportioned by the President equitably between both sides; provided, however, that the introducer of such measure shall be entitled to close.

**Priority of Business** 11.6—All questions relating to the priority of business to be acted on shall be decided without debate.

**Questions of Privilege** 11.7—Questions of privilege shall be first, those affecting the rights of the Senate collectively, its safety, dignity and the integrity of its proceedings; second, the rights, reputation and conduct of Senators individually, in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

## Rule Twelve

### LOBBYING

**Those required to register** 12.1—All persons, except members of the Florida Legislature, or duly authorized aides designated in writing by such members, who seek to encourage the passage, defeat or modification of any legislation in the Senate or before its committees shall, before engaging in such activity, register with the Secretary of the Senate. Every registrant, in accordance herewith, shall also be required to state the extent of any direct business association or partnership with any current member of the Legislature.

**Method of registration** 12.2—Every such person shall register on forms prepared by the Secretary and shall state under oath his name and business address, the name and business address of his principal or principals, the general and

specific areas of his legislative interests, and the duration of his agency.

The Secretary shall publish in the Journal, in tabulation form, a list of those filing the registration statements under this Rule together with the information contained therein, on the first Monday of the session and weekly thereafter.

No registered lobbyist shall be permitted upon the floor of the Senate while it is in session.

12.3—Any person who, on an isolated basis and without intent to continue beyond a single legislative day, merely appears before a committee or committees of the Senate in his individual capacity, or on behalf of a corporation, partnership or other business entity, with which such person is regularly associated as an employee, officer or partner without receiving additional salary or compensation, other than reasonable and ordinary travel expense, to express support of or opposition to any legislation, and who shall so declare to the Senators or committees with whom he discusses any proposed legislation, shall not be required to register as a lobbyist.

12.4—A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view from which he openly declares. A lobbyist shall not offer or propose anything to improperly influence the official act, decision, or vote of a legislator.

A lobbyist, by personal example and admonition to colleagues, shall uphold the honor of the legislative process by the integrity of his relationship with legislators.

A lobbyist shall not knowingly and willfully falsify a material fact or make any false, fictitious, or fraudulent statement or representation or make or use any writing or document knowing the same contains any false, fictitious, or fraudulent statements or entry.

12.5—A lobbyist shall submit to the Secretary of the Senate at the end of every second legislative week, commencing with the beginning of the session, a signed and certified statement listing all expenditures incurred, the purpose thereof, and sources from which funds for making such expenditures have come. At the end of each calendar quarter, between the first and the tenth day of the ensuing month, each lobbyist, as long as his activity continues, shall submit to the Secretary of the Senate like reports covering those periods in which the legislature is not in session. Within thirty days after the adjournment of the legislature, every lobbyist shall file with the Secretary of the Senate a complete and detailed statement, verified under oath by person making the same, of all expenses paid or incurred in connection with their employment as lobbyist. Said statements shall be rendered in the form provided by the Secretary and shall be open to public inspection.

12.6—A lobbyist when in doubt about the applicability and interpretation of this Code in a particular context may submit in writing a statement of the facts involved to the Committee on Ethics and may appear in person before said Committee.

The Committee on Ethics may render advisory opinions to any lobbyist who seeks advice as to whether or

not the facts in a particular case would constitute a violation of these Rules. All opinions shall delete names and be numbered, dated, and published in the Journal of the Senate.

12.7—The Secretary of the Senate shall keep a compilation of all advisory opinions of the Committee on Ethics as well as a current list of registered lobbyists and their respective reports required under these Rules, all of which shall be open to public inspection.

12.8—Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the requirements of this Rule shall be censured, reprimanded, placed on probation or prohibited from lobbying for the duration of the session and from appearing before any committee of the Senate. Said determination shall be made by a majority of the Senate, upon recommendation of the Committee on Ethics. The Committee on Ethics, before making said recommendation, shall conduct a hearing, after notifying the person alleged to have violated this Rule and granting such person an opportunity to appear at the hearing.

12.9—The Secretary shall provide blank affidavits for the convenience of registrants but the burden of compliance nevertheless always shall be upon the person required to register.

12.10—Committees shall be diligent to ascertain whether those who appear before them in other than an obviously individual capacity have conformed with the requirements of this Rule, and to report violations. No committeeman knowingly shall permit an unregistered lobbyist to be heard.

## Rule Thirteen

### CHAMBER OF THE SENATE

13.1—No one shall be admitted to the main floor of the Senate while the Senate is in session except Senators, members of the families of the Senators, the Governor and his official representative, Cabinet Officers, former Governors, present and former United States Senators, Members or former Members of the House of Representatives of the United States and of this State, Justices of the Supreme and Appellate Courts of Florida, Circuit Judges of Florida and former State Senators of Florida. None of the above shall be admitted if registered pursuant to Rule 12. All male persons on the main floor of the Senate and in the gallery (with the exception of visitors in that portion of the gallery set aside for the general public) shall wear coats at all times while the Senate is in session.

13.2—The President shall admit to the floor, under such regulations as he may prescribe, stenographers and reporters wishing to take down the debates and proceedings unless otherwise ordered by the Senate, provided, however, this rule shall not be construed to permit dictation while the Senate is in session, and the provisions of this rule shall not be subject to waiver except by unanimous consent.



13.3—For the first three (3) days of the session Senators will be recognized, immediately following prayer, to make brief introductions of visitors to the Senate. After this period of time, there should be no introduction of guests while the Senate is in session. No person shall be escorted to the rostrum for recognition except with prior approval of the President.

Recognition  
of Guests

## Rule Fourteen

### CONSTRUCTION AND WAIVER OF RULES

14.1—It shall be the duty of the President, or the presiding officer for the time being, to interpret all Rules. Motions for the previous question and to lay upon the table shall not be entertained.

Interpretation  
of Rules

14.2—These Rules shall not be waived or suspended except by a two-thirds vote of all Senators present, which motion when made shall be decided without debate, except that no motion to waive any Rule requiring unanimous consent of the Senate shall be adopted except by unanimous consent of those present.

Waiver and  
Suspension  
of Rules

14.3—All proposed actions touching the Rules and Order of Business in the Senate shall be first referred to the Committee on Rules and Calendar, which shall report as soon as practicable thereafter. Consideration of such a report shall always be in order. The Committee on Rules and Calendar may originate reports and resolutions dealing with these Rules and the Order of Business and such power shall be exclusive.

Changes in  
Rules

14.4—Unless otherwise indicated by these Rules, all action by the Senate shall be by majority vote of those Senators present.

Majority Action

14.5—Whenever in these rules reference is made to "two-thirds of those present", "two-thirds vote", "two-thirds of the Senate", "two-thirds of those voting", etc., these shall all be construed to mean two-thirds of those Senators present, except that two-thirds of the Senate shall be required to consider additional proposed legislation in any extended session in accordance with Article III, Section 2 of the Constitution.

Uniform  
Construction

14.6—When used in these Rules, the following words shall, unless the text otherwise indicates, have the following respective meaning:  
(a) The singular always includes the plural. (b) The masculine always includes the feminine.

General

## Rule Fifteen

### EXECUTIVE SESSIONS

15.1—Pursuant to Article III, Section 13 of the Constitution of Florida, the Senate may resolve itself into Executive Session for the sole purpose of considering appointment, removal or suspension under the provisions of Article IV, Section 15, during which no one shall be in attendance except Senators and the Secretary of the Sen-

ate, who shall be sworn not to disclose any executive business without consent of the Senate.

15.2—Upon receipt by the Senate of appointments, removals or suspensions upon which the consent of the Senate is required, the President shall refer each to an appropriate select committee whose charge it shall be to make inquiry or investigation and advise the President and the Senate as to its recommendation concerning the subject referred and as to the necessity for deliberating such subject in executive session. Reports and findings of select committees appointed pursuant hereto are advisory only and shall be made in executive session.

15.3—When the Senate agrees, by a majority of Senators present in executive session that specified appointments, removals or suspensions shall be considered in open session, such shall be accordingly calendared for formal consideration by the Senate.

15.4—All information and remarks including committee work product concerning the character and qualification together with the vote on each appointment, removal or suspension considered in executive session shall be kept a secret except so much thereof upon which the bans of secrecy shall have been specifically lifted by the Senate while in executive session.

15.5—A separate journal shall be kept of executive proceedings of the Senate and no information regarding same shall be made public except by order of the Senate or by order of a Court of competent jurisdiction.

15.6—Violation of the above rule as to the secrecy of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for the unseating of the offending Senator.

Respectfully submitted,  
John E. Mathews, Jr.  
Chairman, Committee on  
Rules and Calendar

On motion by Senator Mathews, the report of the Committee was unanimously adopted.

### INTRODUCTION

By Senators Mathews, Friday, Horne and Spencer—

**SJR 1-2X—A joint resolution proposing a revision of the Constitution of Florida.**

*Be It Resolved by the Legislature of the State of Florida:*

That the following proposed revision of the Constitution of Florida, is hereby agreed to and shall be submitted to the electors of the state for ratification or rejection at the next general election to be held on the first Tuesday after the first Monday in November, 1968.

### PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

### ARTICLE I

#### DECLARATION OF RIGHTS

Section 1. **POLITICAL POWER.**—All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people.

Section 2. **BASIC RIGHTS.**—All natural persons are equal before the law and have inalienable rights, among which are



the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race or religion.

Section 3. *RELIGIOUS FREEDOM.*—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

Section 4. *FREEDOM OF SPEECH AND PRESS.*—Every person may speak, write and publish his sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

Section 5. *RIGHT TO ASSEMBLE.*—The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.

Section 6. *RIGHT TO WORK.*—The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or association. The right of employees, public or private, by and through a labor union or association, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.

Section 7. *MILITARY POWER.*—The military power shall be subordinate to the civil.

Section 8. *RIGHT TO BEAR ARMS.*—The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner in which they may be borne may be regulated by the legislature.

Section 9. *DUE PROCESS.*—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself.

Section 10. *PROHIBITED LAWS.*—No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

Section 11. *IMPRISONMENT FOR DEBT.*—No person shall be imprisoned for debt, except in cases of fraud.

Section 12. *SEARCHES AND SEIZURES.*—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. Articles or information obtained in violation of this right shall not be admissible in evidence.

Section 13. *HABEAS CORPUS.*—The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.

Section 14. *BAIL.*—Until adjudged guilty, every person charged with a crime shall be entitled to release on reasonable bail with sufficient surety unless charged with a capital offense and the proof of guilt is evident or the presumption is great.

Section 15. *PROSECUTION FOR CRIME—OFFENSES COMMITTED BY CHILDREN.*—

(a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by courts martial.

(b) When authorized by law, a child as therein defined may be charged with a violation of law as an act of delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases. Any child so charged shall, upon demand made as provided by law before a hearing in a juvenile proceeding, be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by law.

Section 16. *RIGHTS OF ACCUSED.*—In all criminal prosecutions the accused shall, upon demand, be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel or both, to demand the nature and cause of the accusation against him, and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in that area shall be sufficient; but the accused may, before pleading, elect the county in which to be tried. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

Section 17. *EXCESSIVE PUNISHMENTS.*—Excessive fines, cruel or unusual punishment, attainder, indefinite imprisonment, and unreasonable detention of witnesses are forbidden.

Section 18. *ADMINISTRATIVE PENALTIES.*—No administrative agency shall impose a sentence of imprisonment, nor shall it impose any penalty except as provided by law.

Section 19. *COSTS.*—No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final.

Section 20. *TREASON.*—Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort, and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act or on confession in open court.

Section 21. *ACCESS TO COURTS.*—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Section 22. *TRIAL BY JURY.*—The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not less than six, shall be fixed by law.

## ARTICLE II

### GENERAL PROVISIONS

#### Section 1. *STATE BOUNDARIES.*—

The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30° 16' 53" north and longitude 87° 31' 06" west intersect; thence to the point where latitude 30° 17' 02" north and longitude 87° 31' 06" west intersect; thence to the point where latitude 30° 18' 00" north and longitude 87° 27' 08" west intersect; thence to the point where the center line of the Intracoastal Canal (as the same existed on June 12, 1953) and longitude 87° 27' 00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31° 00' 00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31° 00' 00" north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence due east to the edge of the Gulf Stream or a distance of three (3) geographic miles whichever is the greater distance; thence in a southerly direction along the edge of the Gulf Stream or along a line three (3) geographic miles from the Atlantic coastline and three (3) leagues distant from the Gulf of Mexico coastline, whichever is greater, to and through the Straits of Florida and westerly, including the Florida reefs, to a point due south of and three (3) leagues from the southernmost point of the Marquesas Keys; thence westerly along a straight line to a point due south of and three leagues from Loggerhead Key, the westernmost of the Dry Tortugas Islands; thence westerly, northerly and easterly along the arc of a curve three (3)

leagues distant from Loggerhead Key to a point due north of Loggerhead Key; thence northeast along a straight line to a point three (3) leagues from the coastline of Florida; thence northerly and westerly three (3) leagues distant from the coastline to a point west of the mouth of the Perdido River three (3) leagues from the coastline as measured on a line bearing 0°01'00" west from the point of beginning; thence along said line to the point of beginning. The State of Florida shall also include any additional territory within the United States adjacent to the Peninsula of Florida lying south of the St. Marys River, east of the Perdido River, and south of the States of Alabama and Georgia.

The Legislature may extend the coastal boundaries to such limits as the laws of the United States or international law may permit.

Section 2. *SEAT OF GOVERNMENT.*—The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the governor, cabinet members and the supreme court shall be maintained and the sessions of the legislature shall be held; provided that, in time of invasion or grave emergency, the governor by proclamation may for the period necessary transfer the seat of government to another place.

Section 3. *BRANCHES OF GOVERNMENT.*—The powers of the state government shall be divided into legislative, executive and judicial branches. No person properly belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

Section 4. *STATE SEAL AND FLAG.*—The design of the great seal and flag of the state shall be prescribed by law.

#### Section 5. *PUBLIC OFFICERS.*—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God."

and thereafter shall devote personal attention to the duties of the office, and continue in office until his successor qualifies.

(c) The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.

Section 6. *ENEMY ATTACK.*—In periods of emergency resulting from enemy attack the legislature shall have power to provide for prompt and temporary succession to the powers and duties of all public offices the incumbents of which may become unavailable to execute the functions of their offices, and to adopt such other measures as may be necessary and appropriate to insure the continuity of governmental operations during the emergency. In exercising these powers, the legislature may depart from other requirements of this Constitution, but only to the extent necessary to meet the emergency.

### ARTICLE III

#### LEGISLATURE

Section 1. *COMPOSITION.*—The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district.

Section 2. *MEMBERS—OFFICERS.*—Each house shall be the sole judge of the qualifications, elections, and returns of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Sen-

ate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure. The legislature shall appoint an auditor to serve at its pleasure. The Auditor shall conduct post-audits, performance audits, and other related duties as prescribed by concurrent resolution.

#### Section 3. *SESSIONS OF LEGISLATURE.*—

(a) *ORGANIZATION SESSIONS.* On the fourteenth day following each biennial general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) *REGULAR SESSIONS.* A regular session of the legislature shall convene on the first Tuesday after the first Monday in April of each odd-numbered year, and on the first Tuesday after the first Monday in April, or such other date as may be fixed by law, of each even-numbered year.

#### (c) *SPECIAL SESSIONS.*

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) Three-fifths of the membership of each house of the legislature, by demand made as provided by law, may convene the legislature in special session; or otherwise as provided by law.

(d) *LENGTH OF SESSIONS.* A regular session of the legislature shall not exceed sixty consecutive days and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(e) *ADJOURNMENT.* Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.

(f) *ADJOURNMENT BY GOVERNOR.* If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, he shall, while neither house is in recess, give each house formal written notice of his intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

#### Section 4. *QUORUM AND PROCEDURE.*—

(a) A majority of the membership of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the presence of absent members in such manner and under such penalties as it may prescribe. Each house shall determine its rules of procedure.

(b) Sessions of each house shall be public, except that the senate may sit in executive session to consider appointment to or removal from public office.

(c) Each house shall keep and publish a journal of its proceedings, and the vote of each member voting on any question shall, upon the request of five members present, be entered on the journal.

(d) Each house may punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member.

Section 5. *INVESTIGATIONS — WITNESSES.*—Each house, when in session, may compel attendance of witnesses and production of documents and other evidence upon any matter under investigation before it or any of its committees, and may punish by fine not exceeding one thousand dollars or imprisonment not exceeding ninety days, or both, any person not a member who has been guilty of disorderly or contemptuous conduct in its presence, or has refused to obey its lawful summons or to answer lawful questions. Such powers, except the power to punish, may be conferred by law upon committees when the legislature is not in session. Punishment of contempt

of an interim legislative committee shall be by judicial proceedings and prescribed by law.

Section 6. *ACTS*.—Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection. The enacting clause of every law shall read: "Be It Enacted by the Legislature of the State of Florida."

Section 7. *PASSAGE OF BILLS*.—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, the vote of each member voting shall be entered on the journal. Passage of a bill shall require a majority vote in each house. Each bill and joint resolution passed in both houses shall be signed by the presiding officers of the respective houses and by the secretary of the senate and the clerk of the house of representatives during or as soon as practicable after adjournment sine die of the session of the legislature.

#### Section 8. *EXECUTIVE APPROVAL AND VETO*.—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if he approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, he shall have fifteen consecutive days from the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill.

(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed by the governor, he shall transmit his signed objections thereto to the house in which the bill originated if in session. If that house is not in session, he shall file them with the secretary of state, who shall lay them before that house at its next regular or special session, and they shall be entered on its journal.

(c) If each house shall, by a two-thirds vote, re-enact the bill or reinstate a vetoed specific appropriation of a general appropriation bill, the vote of each member voting shall be entered on the respective journals, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding.

Section 9. *EFFECTIVE DATE OF LAWS*.—Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted, unless therein otherwise provided.

#### Section 10. *SPECIAL AND LOCAL LAWS*.—

(a) No special law or local law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected.

(b) In the enactment of general laws on all subjects except those enumerated in Article III, Section 11, the legislature may classify political subdivisions and other units of local government on any basis reasonably related to the subject matter of such general laws.

#### Section 11. *PROHIBITED SPECIAL AND LOCAL LAWS*.—

The legislature shall not pass any special or local law pertaining to:

(a) election, jurisdiction, duties or fees of officers, except officers of municipalities or chartered counties;

(b) assessment or collection of taxes for state or county purposes, including extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability;

(c) rules of evidence in any court;

(d) punishment for crime;

(e) petit juries, including compensation of jurors, except establishment of jury commissions;

(f) change of civil or criminal venue;

(g) conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;

(h) refund of money legally paid or remission of fines, penalties or forfeitures;

(i) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts;

(j) disposal of public property, including any interest therein, for private purposes;

(k) vacation of roads;

(l) private incorporation or grant of privilege to a private corporation;

(m) effectuation of invalid deeds, wills or other instruments, or change in the law of descent;

(n) change of name of any person;

(o) divorce;

(p) legitimization or adoption of persons;

(q) relief of minors from legal disabilities;

(r) transfer of any property interest of persons under legal disabilities or of estates of decedents;

(s) fishing or hunting;

(t) regulation of occupations which are regulated by a state agency; or

(u) any subject when prohibited by general law passed by a three-fifths vote of the members elected to each house.

Section 12. *APPROPRIATION BILLS*.—Laws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject.

Section 13. *TERM OF OFFICE*.—No office shall be created the term of which shall exceed four years except as provided in this constitution.

Section 14. *CIVIL SERVICE SYSTEM*.—By law there shall be created a civil service system for state employees, except those expressly exempted, and there may be created civil service systems and boards for county, district or municipal employees and for such officers thereof as are not elected or appointed by the governor, and there may be authorized such boards as are necessary to prescribe the qualifications, method of selection and tenure of such employees and officers.

#### Section 15. *TERMS AND QUALIFICATIONS OF LEGISLATORS*.—

(a) *SENATORS*. Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four, and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

(b) *REPRESENTATIVES*. Members of the house of representatives shall be elected for terms of two years in each even-numbered year.

(c) *QUALIFICATIONS*. Each legislator shall be at least twenty-one years of age, an elector and resident of the district from which elected and shall have resided in the state for a period of two years prior to election.

(d) *ASSUMING OFFICE—VACANCIES*. Members of the legislature shall take office upon election. Vacancies in legislative office shall be filled only by election as provided by law.

#### Section 16. *LEGISLATIVE APPORTIONMENT*.—

(a) *SENATORIAL AND REPRESENTATIVE DISTRICTS*. The legislature at its regular session in the second

year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) **FAILURE OF LEGISLATURE TO APPORTION—JUDICIAL APPORTIONMENT.** In the event a special apportionment session of the legislature finally adjourns without adopting a joint resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. Not later than the sixtieth day after the filing of such petition, the supreme court shall file with the secretary of state an order making such apportionment.

(c) **JUDICIAL REVIEW OF APPORTIONMENT.** Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) **EFFECT OF JUDGMENT IN APPORTIONMENT—EXTRAORDINARY APPORTIONMENT SESSION.** A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) **EXTRAORDINARY APPORTIONMENT SESSION—REVIEW OF APPORTIONMENT.** Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session.

(f) **JUDICIAL REAPPORTIONMENT.** Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment.

#### Section 17. **IMPEACHMENT.**—

(a) The governor, members of the cabinet, justices of the supreme court and judges of other courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote shall have the power to impeach an officer. The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

(b) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and unless the governor is impeached he may by appointment fill the office until completion of the trial.

(c) All impeachments by the house of representatives shall be tried by the senate. The chief justice of the supreme court, or an associate justice designated by him, shall preside at the trial, except in a trial of the chief justice, in which case the governor shall preside. The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not; provided that the

time fixed for such trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the members of the senate present. Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualifications to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

Section 18. **CONFLICT OF INTEREST.**—A code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

### ARTICLE IV

#### EXECUTIVE

##### Section 1. **GOVERNOR.**—

(a) The supreme executive power shall be vested in a governor. He shall be commander-in-chief of all military forces of the state not in active service of the United States. He shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. He may require information in writing from all executive or administrative state, county, or municipal officers upon any subject relating to the duties of their respective offices.

(b) He may initiate judicial proceedings in the name of the state against any executive or administrative state, county or municipal officer to enforce compliance with any duty or restrain any unauthorized act.

(c) He may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion not earlier than ten days from the filing and docketing of such request, unless in their judgment such delay would cause public injury.

(d) He shall have power to call out the militia to preserve the public peace, to execute the laws of the state, to suppress insurrection, or to repel invasion.

(e) He shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest.

(f) When not otherwise provided for in this constitution he shall fill by appointment any vacancy in state or county office for the remainder of the term if less than twenty eight months, otherwise until the first Tuesday after the first Monday following the next general election. Vacancy in office shall occur upon the creation of an office, upon the death of the incumbent or his removal from office, resignation, succession to another office, unexplained absence for sixty consecutive days, or failure to maintain the residence required when elected or appointed, and upon failure of one elected or appointed to office to qualify within thirty days from the commencement of the term.

##### Section 2. **LIEUTENANT GOVERNOR—DUTIES OF LIEUTENANT GOVERNOR—SUCCESSION TO THE OFFICE OF GOVERNOR—SERVICE AS ACTING GOVERNOR—LIMITATION OF TERMS GOVERNOR MAY SERVE.**—

(a) There shall be a lieutenant governor. The lieutenant governor shall perform such duties pertaining to the office of governor as shall be assigned to him by the governor and such other duties as may be prescribed by law.

(b) The lieutenant governor shall become governor upon failure for a period of thirty days of the governor-elect to qualify, or upon death, resignation or removal of the governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(c) Upon impeachment of the governor and until completion of trial thereof, or during his physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by four cabinet members, and in such case restoration of capacity

shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or four cabinet members. Incapacity to serve as governor may also be established by certificate filed with the supreme court by the governor declaring his incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

Section 3. *CABINET*.—There shall be a cabinet composed of a secretary of state, an attorney general, a comptroller, a treasurer, a commissioner of agriculture and a commissioner of education. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law.

(a) The secretary of state shall keep the records of the official acts of the legislative and executive departments.

(b) The attorney general shall be the chief state legal officer.

(c) The comptroller shall serve as the chief fiscal officer of the state, and shall pre-audit and settle all state accounts.

(d) The treasurer shall keep all state funds and securities. He shall disburse state funds only upon the order of the comptroller countersigned by the governor as a ministerial duty subject to original mandamus.

(e) The commissioner of agriculture shall perform the duties prescribed by law relating to agriculture.

(f) The commissioner of education, in the manner prescribed by law, shall supervise the public education system.

Section 4. *ELECTION OF GOVERNOR, LIEUTENANT GOVERNOR AND CABINET MEMBERS—QUALIFICATIONS—LENGTH OF TERM*.—At a state-wide general election in a calendar year the number of which is even but not evenly divisible by four, the qualified electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning at noon on the first Tuesday after the first Monday in January of the succeeding year. The lieutenant governor shall run with the governor and the electors shall cast a single ballot for governor and lieutenant governor. Any candidate for governor seeking nomination in any party primary shall, at the time he qualified therefor, file his designation of a candidate for lieutenant governor together with such candidate's acceptance and the qualification papers prescribed by law. Electors in the primary shall cast a single ballot for candidates for nomination for the office of governor and lieutenant governor. When elected, both the governor and lieutenant governor and each cabinet member must be qualified electors not less than thirty years of age and must have been citizens and residents of the state for the preceding ten years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected to this office for the succeeding term. The attorney general must have been an attorney authorized to practice law in Florida for five years prior to election.

Section 5. *EXECUTIVE DEPARTMENTS*.—All functions of the executive branch of state government shall be allotted among not more than twenty five departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except that:

(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

Section 6. *SUSPENSIONS—FILLING OFFICE DURING SUSPENSIONS*.—

(a) By executive order stating the ground and filed with the secretary of state, the governor may suspend from office

any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.

(b) The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official and for such purpose the senate may be convened in special session by its president or by a majority of its membership.

(c) By order of the governor any elected municipal officer indicted for crime may be suspended from office until acquitted, and the office filled by appointment for the period of suspension, unless these powers are vested elsewhere by law or the municipal charter.

Section 7. *CLEMENCY*.—

(a) By executive order filed with the secretary of state, the governor may suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of three members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses except treason and those where impeachment results in conviction.

(b) In cases of treason he may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

Section 8. *GAME AND FRESH WATER FISH COMMISSION*.—There shall be a game and fresh water fish commission, composed of five members appointed by the governor for staggered terms of five years. The commission shall exercise the non-judicial powers of the state with respect to wild animal life and fresh water aquatic life, except that all license fees for taking wild animal life and fresh water aquatic life and penalties for violating regulations of the commission shall be prescribed by specific statute.

## ARTICLE V

### JUDICIARY

Section 1. *COURTS*.—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts, county courts, magistrates courts and courts established for the trial of offenses against ordinances of municipalities and chartered counties. Administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices, and their orders shall be reviewed as provided by law. The jurisdiction of the courts shall be established uniformly by law except as authorized herein.

Section 2. *ADMINISTRATION—PRACTICE AND PROCEDURE*.—The supreme court shall adopt rules governing:

(a) the administrative supervision of all courts established by this article;

(b) the assignment of justices and judges, including consenting retired justices and judges, to temporary duty in any courts;

(c) practice and procedure in all courts, including the time for seeking appellate review;

(d) the times and places for holding court;

(e) the transfer of any matter to the proper court when the jurisdiction of any court has been improvidently invoked.

Section 3. *CHIEF JUSTICE*.—

(a) The chief justice of the supreme court shall be the chief administrative officer of the judicial system.



(b) At the beginning of each regular session of the legislature the chief justice shall by message inform it of the condition of the judicial system and recommend measures for the improvement of the administration of justice.

#### Section 4. *SUPREME COURT.*—

(a) Organization. The supreme court shall consist of seven justices, one of whom shall be chosen the chief justice by the members of the court. Five justices shall constitute a quorum. The concurrence of four shall be necessary to a decision.

(b) Jurisdiction. The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from orders of trial courts and decisions of district courts of appeal initially and directly passing on the validity of a state statute or a federal statute or treaty, or construing a provision of the state or federal constitution.

(2) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, that passes upon a question certified by the district court of appeal to be of great public interest, or that is in direct conflict with a decision of another district court of appeal or of the supreme court on the same question of law, and may issue writs of prohibition to courts and commissions in causes within the jurisdiction of the supreme court to review, and all writs necessary to the complete exercise of its jurisdiction.

(3) When provided by law, shall hear appeals from final judgments and orders of trial courts imposing life imprisonment or entered in proceedings for the validation of bonds or certificates of indebtedness and issue writs of certiorari to commissions established by law and writs of mandamus and quo warranto to state officers and state agencies.

#### Section 5. *DISTRICT COURTS OF APPEAL.*—

(a) Appellate districts. The state by law shall be divided into not less than four appellate districts of contiguous counties. There shall be a district court of appeal in each district consisting of not less than three judges. Three judges shall consider each case, and the concurrence of two shall be necessary to a decision.

(b) Jurisdiction.—

(1) District courts of appeal shall have jurisdiction to hear appeals, which may be taken as a matter of right, from final judgment or order of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders or decrees in such cases to the extent provided in rules adopted by the supreme court.

(2) They shall have the powers of direct review of administrative action prescribed by law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before that district court of appeal or any judge thereof or before any circuit judge in that district. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

#### Section 6. *CIRCUIT COURTS.*—

(a) Judicial circuits. The state by law shall be divided into judicial circuits, each composed of one county or contiguous counties, and containing at least one hundred thousand inhabitants according to the last decennial census, except that the county of Monroe shall constitute one of the circuits.

(b) Circuit courts. There shall be a circuit court in each judicial circuit.

(c) Circuit judges. There shall be provided by law at least one circuit judge in each circuit. The county of residence of any circuit judge may be fixed by law, but shall not be changed with respect to an incumbent during his continuous tenure in office without his consent.

(d) Jurisdiction. The circuit courts shall have all original jurisdiction not vested in other courts, and the jurisdiction of appeals from other trial courts which is prescribed by law. They shall have power to issue writs of mandamus, injunction, certiorari, prohibition, quo warranto, habeas corpus, and all

other writs necessary or proper to the complete exercise of their jurisdiction. They shall have the powers of direct review of administrative action prescribed by law.

#### Section 7. *COUNTY COURTS.*—

(a) County courts. In each county having a population of not more than one hundred thousand inhabitants, according to the latest decennial census, there shall be a county court unless that court shall have been abolished, and not re-established, by vote of the electors pursuant to law.

(b) County judges. There shall be provided by law one or more judges for each county court.

(c) Jurisdiction. County courts shall have the jurisdiction prescribed by general law. Conditions upon which chartered counties or municipalities may authorize county courts to issue process and try violations of their ordinances may be provided by law.

#### Section 8. *MAGISTRATES COURTS.*—

(a) Courts. There shall be a magistrates court in each county, or, if the county be divided by law into magistrates court districts, in each magistrates court district, unless that court shall be abolished, and not re-established, by vote of the electors pursuant to law. Magistrates courts districts may be consolidated or changed by law.

(b) Number of judges. There shall be one or more judges for each magistrates court, as provided by law, or a magistrates court may be presided over by the county judge in any county when provided by law.

(c) Jurisdiction. The judges of magistrates courts shall perform such duties and exercise such jurisdiction as shall be prescribed by law. Conditions upon which chartered counties or municipalities may authorize magistrates courts to issue process and try violations of their ordinances may be provided by law.

Section 9. *ADDITIONAL JUDGES.*—Additional judges for any court except the supreme court may be authorized by law only upon certification of need by the supreme court.

#### Section 10. *SPECIALIZED DIVISIONS OF CIRCUIT COURTS.*—

(a) In counties having a population in excess of one hundred thousand, and in other counties when provided by law, there shall be in the circuit court a juvenile division, a probate division, a criminal division, and such other divisions as may be established by law, each exercising the specific jurisdiction fixed by law.

(b) Judges shall be appointed or elected to specialized divisions, and if elected then by the electors within the county or counties in which their respective divisions have jurisdiction. All judges of the court shall have jurisdiction to hear all causes within the jurisdiction of the court.

Section 11. *ELIGIBILITY.*—A justice or judge shall be a citizen of the state and a resident within the territorial jurisdiction of his court. A justice of the supreme court or judge of a district court of appeal must have been a member of the bar of Florida for ten years. A judge of a circuit court must have been a member of the bar of Florida for five years. A judge of a county court or magistrates court must be a member of the bar of Florida unless otherwise provided by law.

#### Section 12. *VACANCIES.*—

The governor shall fill each vacancy in judicial office by appointing one of not fewer than three persons nominated by judicial nominating commissions appointed by the governor and established by law. No member shall hold office in a political party, or be eligible to succeed himself after having served a full term, or be nominated to judicial office by a commission during or within one year after service thereon.

#### Section 13. *ELECTIONS—TERMS.*—

(a) Justices and judges shall be elected in the same manner as other state and county officers are elected; provided that justices and judges may be elected in non-partisan elections as provided by law.

(b) The terms of all justices of the supreme court, judges of district courts of appeal and circuit judges shall be for six years. The terms of judges of county courts and magistrates courts shall be prescribed by law. The terms of justices of the

supreme court and judges of the district courts of appeal shall be appropriately staggered.

Section 14. *DISCIPLINE—RETIREMENT—REMOVAL.*—

(a) There shall be a judicial qualifications commission composed of:

(1) Two judges of district courts of appeal, two judges of circuit courts, one judge of a county court and one judge of a magistrates court, selected by the judges of the respective categories of courts;

(2) Two electors who have resided in, and been members of the bar of the state for eight years, appointed by the governing body of the bar of Florida;

(3) Three electors who have resided in the state for five years and have never held judicial office or been members of the bar, appointed by the governor.

(b) The members of the judicial qualifications commission shall serve appropriately staggered terms fixed by law. No member of the commission shall hold office in a political party or, except as provided herein, public office. The commission shall elect one of its members as its chairman.

(c) The supreme court shall adopt rules regulating proceedings by the commission and the temporary replacement of disqualified or incapacitated members. Upon recommendation of removal of any justice or judge, the proceedings of the commission relating thereto shall be made public.

(d) Upon recommendation of the judicial qualifications commission, concurred in by two-thirds of its members, the supreme court may order that any justice or judge, except judges of municipal courts and of courts of chartered counties, may be disciplined by private reprimand; removed from office, with termination of compensation, for wilful or persistent failure to perform his duties or for other conduct unbecoming a member of the judiciary; or involuntarily retired for any disability which seriously interferes with the performance of his duties and which is, or is likely to become, permanent.

(e) A justice or judge shall not serve after attaining the age of seventy years except to complete a term half of which he has served.

(f) This section shall be cumulative to the power of impeachment.

(g) A justice or judge removed from office shall be subject to discipline as an attorney for professional misconduct prior to or during his tenure in office.

Section 15. *Prohibited activities.*—Justices of the supreme court, judges of district courts of appeal and judges of circuit courts shall devote full time to their judicial duties. They shall not engage in the practice of law or hold office in any political party. Similar prohibitions with respect to judges of other courts may be provided by law.

Section 16. *Judicial salaries.*—

(a) All justices and judges shall be compensated by state salaries fixed by law. Salaries payable from state funds shall not be supplemented by any county or municipality. Judges of county courts and magistrates courts may also be compensated for non-judicial services as provided by law.

(b) The salaries of justices and judges shall not be diminished during the terms for which they have been elected or appointed, unless as part of a general reduction of salaries applying uniformly to all salaried officers of the state.

Section 17. *Grand juries.*—

(a) The composition, length of service and number of grand juries shall be prescribed by general law. For these purposes, counties may be reasonably classified on the basis of population.

(b) A grand jury shall be convened in each county at least once in each year.

(c) The proceedings of grand juries shall be regulated by rules of the supreme court.

(d) Except as a reasonable incident to a report of its findings relating to the adequacy and care of public property and facilities, the conduct of public business or the performance of

duties by public officers or employees, no grand jury shall make a presentment, other than a formal charge of crime, which is derogatory of any person.

Section 18. *State attorneys.*—In each judicial circuit a state attorney shall be elected for a term of four years by the qualified electors to perform duties prescribed by law. State attorneys shall appoint such number of assistant state attorneys as may be authorized by law. Salaries of state attorneys and assistant state attorneys shall be payable from state funds and fixed by law. Salaries payable from state funds shall not be supplemented by any county or municipality.

Section 19. *Attorneys, admission and discipline.*—The supreme court shall have exclusive jurisdiction to regulate, in such manner and through such agencies as may be prescribed by its rules, the admission of persons to the practice of law and the discipline of persons admitted.

## ARTICLE VI

### SUFFRAGE AND ELECTIONS

Section 1. *Regulation of elections.*—All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions, may be regulated by law.

Section 2. *Electors.*—Every citizen of the United States who is at least nineteen years of age and who has been a permanent resident for one year in the state and six months in a county shall, upon registering as provided by law, be an elector of that county at all elections. Provisions may be made by law for other bona fide residents of the state who are at least nineteen years of age to register and vote in elections of presidential electors.

Section 3. *Oath.*—Each eligible citizen upon registering shall subscribe the following: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to vote under the Constitution and laws of the State of Florida."

Section 4. *Disqualifications.*—No person convicted of a felony or adjudicated in this or any other state to be mentally incompetent shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

Section 5. *General and special elections.*—A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer, other than justices and judges, whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. Elections to choose justices and judges, special elections, and referenda shall be held as provided by law.

Section 6. *Municipal and district elections.*—Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided for by law.

## ARTICLE VII

### LOCAL GOVERNMENT

#### Section 1. *Counties.*—

(a) *Political subdivisions.* The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) *Government.* Pursuant to general or special law a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(c) *County officers.* Except as otherwise provided by county charter or referendum, there shall be elected by the qualified electors for a term of four (4) years a clerk of the circuit court, a sheriff, a tax assessor, a tax collector and a supervisor of elections, and a constable who shall be elected by the qualified electors of each magistrates district in each county having justice of the peace districts on the effective date of this constitution. Their powers, duties, and qualifications, except as provided in a county charter, shall be as prescribed by law. The office of constable may be established



or abolished by law, subject to referendum. The clerk of the circuit court shall also be the clerk of the board of county commissioners, recorder, have the care and custody of all county funds, and a method of reporting and paying out of such funds shall be provided by law.

(d) Commissioners. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five members. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected by the qualified electors of the county.

(e) Non-charter government. Counties shall have the power of self-government except as otherwise provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by law, county ordinances not inconsistent with law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(f) Charter government. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law. The legislative body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(g) Taxes—limitation. Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(h) Violation of ordinances. Persons violating county ordinances shall be prosecuted and punished as provided by law.

(i) County seat.—In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

#### Section 2. MUNICIPALITIES.—

(a) Establishment. Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) Powers. Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) Annexation. Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra territorial powers by municipalities shall be as provided by general or special law.

Section 3. CONSOLIDATION.—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. By special law a consolidation plan may be proposed which shall become effective only if approved by vote of the electors of the county, or of the county and municipalities affected as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payments of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

Section 4. TRANSFER OF POWERS.—By law or by resolution of the governing bodies of each of the governments affected, any functions or powers of a municipality or a special district may be transferred to the county in which the municipality or special district is located or to any other municipality

or special district in the county, after approval by vote of the electors of the transferor and approval of the governing body of the transferee.

Section 5. LOCAL OPTIONS.—Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five per cent of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beer shall be regulated by law.

### ARTICLE VIII

#### FINANCE AND TAXATION

##### Section 1. TAXATION—APPROPRIATIONS—STATE EXPENSES.—

(a) No tax shall be levied except in pursuance of law. Each form of taxation except ad valorem taxes shall be pre-empted to the state except as provided by general law.

(b) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(c) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.

Section 2. TAXES—RATE.—All ad valorem taxation shall be at a uniform rate within each taxing unit except:

(a) The tax on intangible personal property shall never exceed two mills on the dollar of assessed value; provided that as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

(b) Any property used exclusively for municipal or public purposes shall be, and any property used exclusively for educational, literary, scientific, religious, or charitable purposes may be exempted by law from taxation.

(c) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(d) No state ad valorem taxes shall be levied upon real estate or tangible personal property.

(e) In lieu of all ad valorem taxes, motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall for their operation be subject to a license tax in such amount and levied for such purposes as may be prescribed by law.

Section 3. TAXATION—ASSESSMENTS.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land or land used exclusively for non-commercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value.

Section 4. ESTATE, INHERITANCE AND INCOME TAXES.—No tax upon estates or inheritances or upon the income of residents or citizens of the state shall be levied by the state, or under its authority, in excess of the aggregate of amounts which may be allowed to be credited upon or deducted from any similar tax levied by the United States.

##### Section 5. HOMESTEAD EXEMPTION.—

(a) Every person who has the legal, equitable or beneficial title to real property in this state and in good faith makes the same his or her permanent residence or the permanent residence of another or others legally or naturally dependent upon said person, shall be entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed

valuation of five thousand dollars on said residence and contiguous real property not to exceed in extent one hundred sixty acres of land or half of one acre within the limits of any incorporated city or town, upon claim therefor and establishment of right thereto in a manner prescribed by law.

(b) Said title to such real property may be held by the entirety, jointly, in common with others, by condominium or cooperative ownership, by ownership of stock in a corporation holding title thereto, or by a leasehold initially for a period of more than ninety-eight years and each owner residing thereon shall be entitled to exemption not to exceed five thousand dollars or such portion thereof as his interest bears to the assessed valuation of the real property.

(c) Not more than one exemption shall be allowed to any one person or family unit nor on any one residence unit.

(d) Real estate maintained as a bona fide permanent home for an owner who has been a resident of the state for at least five years and is either aged sixty-five or over or totally disabled, as defined by law, shall be exempt from taxation, except assessments for special benefits, to the extent of ten thousand dollars of assessed value. The amount of the exemption may be increased by law when the owner has a service connected one hundred per cent (100%) disability rating for compensation.

Section 6. *AID TO LOCAL GOVERNMENTS*.—State funds may be appropriated to the several counties, school boards, municipalities or special districts upon such conditions as may be provided by general law.

#### Section 7. *LOCAL TAXES*.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by general law to levy taxes for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes shall not be levied in excess of the following millages on the dollar of assessed value for the following purposes: For all county purposes, including special taxing districts lying wholly within a county, ten mills; for all municipal purposes, ten mills; and for all school purposes, ten mills; except taxes levied for the payment of principal of and interest upon bonds and taxes levied for periods not longer than two years when authorized by vote of the owners of freeholds not wholly exempt from taxation. A county furnishing municipal services in unincorporated areas may, to the extent authorized by law, levy therein additional taxes within the limits fixed for municipal purposes.

Section 8. *PLEDGING CREDIT*.—Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with, or stockholder of, or give, lend, or use its taxing power or credit directly or indirectly to aid any corporation, association, partnership, or person but this shall not prohibit the investment, until needed, of public funds in obligations of, or insured by, the United States or any of its instrumentalities, or the investment of trust funds as may be provided by law.

This shall not prohibit any port authority operating a maritime port or an airport to issue and sell industrial revenue bonds to finance or refinance the cost of the necessary capital project for port authority purposes, which shall be payable solely from funds derived from the revenues of such capital projects to be constructed and owned by any such port authority and operated by such port authority or leased by such port authority to any private corporation, association, partnership or person; provided that the properties acquired hereunder and the operation thereof when occupied or operated privately shall be subject to taxation to the same extent as privately owned property and operation.

#### Section 9.—*STATE BONDS*.—

(a) Bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of necessary capital projects for state purposes, upon approval by a majority of the votes cast in a state election held for such purpose; provided however, that bonds may be issued to refund presently outstanding revenue bonds or certificates of the state or its agencies without approval of the voters as provided by law.

(b) Revenue bonds may be issued by the state or its agencies without a vote of the electors only to finance or refinance

the cost of necessary capital projects for state purposes and shall be payable solely from funds derived from source other than state tax revenues or rents or fees paid from state tax revenues; except that revenue bonds issued to finance or refinance parts of the state highway system may with consent of a county be secured by a pledge of taxes on petroleum or other motor vehicle propellant products allocated to such county to the extent authorized herein or by general law; and except that revenue bonds may be issued pursuant to the provisions of Article XII, section 10(d) of this constitution.

Section 10. *LOCAL BONDS*.—Counties, district school boards, municipalities, and special districts may issue bonds or any form of tax anticipation certificates or certificates of indebtedness maturing more than twelve months after issuance payable from ad valorem taxation only when authorized by law for capital projects and only when approved by a majority of the votes cast in an election by the electors of the county, school district, municipality or special district who are owners of freeholds therein which are not wholly exempt from taxation.

Section 11. *RELIEF FROM ILLEGAL TAXES*.—Until payment of all taxes which have been legally assessed upon the property of the same owner, no court shall grant relief from the payment of any tax that may be illegal or illegally assessed.

Section 12. *ALLOCATION OF PARI-MUTUEL TAXES*.—Taxes upon the operation of pari-mutuel pools may be preempted to the state or allocated in whole or in part to the counties. Any part allocated to the counties shall be distributed in equal amounts to the several counties.

### ARTICLE IX

#### EDUCATION

Section 1. *SYSTEM OF PUBLIC EDUCATION*.—Adequate provision shall be made by law for a uniform system of public education which shall include public educational institutions and programs, public community junior colleges, public colleges and universities, and free public schools.

Section 2. *STATE BOARD OF EDUCATION*.—The governor and members of the cabinet shall constitute a state board of education, which shall be a body corporate and have such supervision of the system of public education as provided by law.

Section 3. Members of any appointive board dealing with education may serve terms in excess of four years as provided by law.

#### Section 4. *SCHOOL DISTRICTS—SCHOOL BOARDS*.—

(a) Each county shall constitute a school district; provided that two or more contiguous counties may be combined by law into one school district. In each school district there shall be a school board composed of five or more members elected by the electors of the school district for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all public schools within the school district and determine the rate of school district taxes. Two or more school districts may, with an affirmative vote of the electors of each district, operate and finance joint educational programs.

(c) One or more contiguous school districts may jointly operate a community junior college when authorized by law.

(d) Special districts composed of one or more contiguous counties to operate community junior colleges may be established under such governance and having such powers as provided by law.

Section 5. *SUPERINTENDENT OF SCHOOLS*.—In each school district there shall be a superintendent of schools who shall be elected at the general election in each year the number of which is a multiple of four, for a term of four years; except that, when provided by local law, subject to referendum in the school district, or in the case of counties, each of which has an appointive superintendent, combined into a school district under section 4(a) hereof, the superintendent of schools shall not be commissioned by the governor but shall be appointed by and serve at the pleasure of the school board provided that the board may enter into a contract of employment with such superintendent which contract shall not extend beyond the thirtieth day of June in the year in which the terms of a majority of the

members of the school board shall expire. The local law may be repealed, subject to referendum in the school district, only after it has been in effect for three years. The powers and duties of the superintendent of schools shall be prescribed by law.

Section 6. The state school fund shall remain inviolate and the income derived therefrom shall be exclusively applied to the support and maintenance of free public schools, as provided by law.

## ARTICLE X MISCELLANEOUS

Section 1. *AMENDMENTS TO UNITED STATES CONSTITUTION.*—The legislature shall not take action on any proposed amendment to the constitution of the United States unless a majority of the members thereof have been elected after the proposed amendment has been submitted for ratification.

### Section 2. *MILITIA.*—

(a) The militia shall be composed of all able-bodied inhabitants of the state who are or have declared their intention to become citizens of the United States; and no person because of religious creed or opinion shall be exempted from military duty except upon conditions provided by law.

(b) The organizing, equipping, housing, maintaining, and disciplining of the militia, and the safekeeping of public arms may be provided for by law.

(c) The governor shall appoint all commissioned officers of the militia, including an adjutant general who shall be chief of staff. The appointment of all general officers shall be subject to confirmation by the senate.

(d) The qualifications of personnel and officers of the federally recognized national guard, including the adjutant general, and the grounds and proceedings for their discipline and removal shall conform to United States army regulations and usages.

### Section 3. *HOMESTEAD—EXEMPTIONS.*—

(a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by the head of a family:

(1) a homestead, if located outside a municipality, to the extent of four acres of contiguous land and improvements thereon, which shall not be reduced without the owner's consent by reason of subsequent inclusion in a municipality; or if located within a municipality, to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or his family;

(2) personal property to the value of one thousand dollars.

(b) These exemptions shall inure to the surviving spouse or heirs of the owner.

(c) The homestead shall not be subject to devise if the owner is survived by spouse or minor child. The owner of homestead real estate, joined by the spouse if married, may alienate the homestead by mortgage, sale or gift and, if married, may by deed transfer the title to an estate by the entirety with the spouse. If the owner or spouse is incompetent, the method of alienation or encumbrance shall be as provided by law.

### Section 4. *COVETURE AND PROPERTY.*—

(a) Separate property not subject to husband's debts.—All property, real and personal, of a wife owned by her before marriage, or lawfully acquired afterward by gift, devise, bequest, descent, or purchase, shall be her separate property, and the same shall not be liable for the debts of her husband without her consent given by some instrument in writing.

(b) Equitable charges, sequestration; debts.—A married

woman's separate real or personal property may be charged in equity and sold, or the uses, rents and profits thereof sequestered for the purchase money thereof; or for money or thing due upon any agreement made by her in writing for the benefit of her separate property; or for the price of any property purchased by her, or for labor and material used with her knowledge or assent in the construction of buildings, or repairs, or improvements upon her property, or for agricultural or other labor bestowed thereon with her knowledge and consent.

(c) Legislature to enact laws to enforce article.—The legislature shall enact such laws as shall be necessary to carry into effect this Article.

### Section 5. *EMINENT DOMAIN.*—

(a) No private property or right of way shall be taken or damaged except for a public purpose and without full compensation therefor, including damages arising from the taking, as determined by a jury, and court costs, reasonable expenses and attorneys' fees, as determined by a court, paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) After judicial determination of necessity, title and possession of the property may be taken before final judgment upon deposit in the registry of the court, available to the owner, of a sum found by the judge of the court to be fair and reasonable after a hearing pursuant to reasonable notice as provided by law.

(c) Any owner may withdraw from the registry of the court the amount found by the court to be fair and reasonable, made before judgment without waiving the right to jury trial, or the deposit of the sum awarded by judgment after trial without waiving the right of appeal. No appeal from any order or judgment of taking shall operate as a supersedeas.

(d) Provision may be made by law for the taking, by like proceedings, of rights of access to, or for drainage or irrigation of, the land of one person over or through the land of another.

Section 6. *LOTTERIES.*—Lotteries, other than pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state.

### Section 7. *CENSUS.*—

(a) Each decennial census of the state taken by the United States shall be an official census of the state.

(b) Each decennial census, for the purpose of classifications based upon population, shall become effective on the thirtieth day after the final adjournment of the regular session of the legislature convened next after certification of the census.

Section 8. *REPEAL OF CRIMINAL STATUTES.*—Repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime previously committed.

Section 9. *FELONY—DEFINITION.*—The term "felony" as used herein and in the laws of this state shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in the state penitentiary.

Section 10. *SOVEREIGNTY LANDS.*—The title to lands within the borders of this state under navigable waters, including the shores on or space between ordinary high and low water marks, is held by the state, by virtue of its sovereignty, in trust for all the people, and limited disposition of portions of such lands, or the use thereof, may be made by the state only when such limited disposition is not contrary to the public interest. The legislature shall enact such legislation as shall be necessary to provide procedures and conditions for such limited disposition.

Section 11. *RULES OF CONSTRUCTION.*—Unless qualified in the text the following rules of construction shall apply to this constitution:

(a) "Herein" refers to the entire constitution.

(b) The singular includes the plural.

(c) The masculine includes the feminine and the neuter.

(d) "Vote of the electors" means the vote of the majority of those voting on the matter in an election, general or special, in which those participating are limited to the qualified electors of the governmental unit referred to in the text.

(e) Vote or other action of a legislative house or other governmental body means the vote or action of a majority or other specified percentage of those members voting on the matter. "Of the membership" means "of all members thereof."

(f) Titles and subtitles shall not be used in construction.

(g) "Special law" means a special or local law.

Section 12. *SOVEREIGN IMMUNITY*.—Sovereign immunity from liability in tort or contract shall not exist, provided however, the legislature may provide by general law for the method and procedure of bringing suits against the state or any public body therein.

## ARTICLE XI AMENDMENTS

Section 1. *PROPOSAL BY LEGISLATURE*.—Amendment of a section or revision of one or more articles, or the whole, of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature. The full text of the joint resolution and the vote of each members voting shall be entered on the journal of each house.

Section 2. *REVISION COMMISSION*.—

(a) Within thirty days after the adjournment of the regular session of the legislature convened in the tenth year following that in which this constitution is adopted, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

(1) the attorney general of the state;

(2) twelve members selected by the governor;

(3) twelve members selected by the Chief Justice of the Supreme Court of Florida with the advice of the justices; and

(4) six members selected by the speaker of the house of representatives and six members selected by the president of the senate.

(b) The governor shall designate one member of the commission as its chairman. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chairman, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it.

Section 3. *INITIATIVE*.—The power to propose amendments to any section of this constitution by initiative is reserved to the people. It may be invoked by filing with the secretary of state a petition containing a copy of the proposed amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight per cent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

Section 4. *CONSTITUTIONAL CONVENTION*.—

(a) The power to consider a revision of the entire constitution is reserved to the people. It may be invoked by filing with the secretary of state a petition, containing a declaration that a constitutional convention is desired, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to fifteen per cent of the votes cast in each such district respectively and in the state as a whole in the last preceding election of presidential electors.

At the next general election held more than ninety days after the filing of such petition there shall be submitted to the

electors of the state the question: "Shall a constitutional convention be held?" If a majority voting on the question vote in the affirmative, at the next succeeding general election there shall be elected from each representative district a member of a constitutional convention. On the twenty-first day following that election, the convention shall sit at the capital, elect officers, adopt rules of procedure, judge the election of its membership, and fix a time and place for its future meetings. Not later than ninety days before the next succeeding general election, the convention shall cause to be filed with the secretary of state any revision of this constitution proposed by it.

Section 5. *AMENDMENT OR REVISION ELECTION*.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission or constitutional convention proposing it is filed with the secretary of state, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(c) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

## ARTICLE XII SCHEDULE

Section 1. *CONSTITUTION OF 1885 SUPERSEDED*.—The Constitution of Florida adopted in 1885, as amended from time to time, is superseded by this constitution except those sections expressly retained and made a part of this constitution by reference.

Section 2. *COUNTIES—COUNTY SEATS—MUNICIPALITIES—DISTRICTS*.—The status of the following items as they exist on the date this constitution becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beer; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

Section 3. *SARASOTA COUNTY—HOMESTEAD TAX EXEMPTION*.—The status of Sarasota county as respects homestead tax exemption under Article X, Section 7, of the Constitution of 1885, as amended, shall continue in effect until changed by the procedure specified in Article VIII, section 6(c) of this constitution.

Section 4. *OFFICERS TO CONTINUE IN OFFICE*.—Every person holding office when this constitution becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

Section 5. *STATE COMMISSIONER OF EDUCATION*.—The state superintendent of public instruction in office on the effective date of this constitution shall become and, for the remainder of the term being served, shall be the commissioner of education.

Section 6. *SUPERINTENDENT OF SCHOOLS*.—

(a) On the effective date of this constitution the county superintendent of public instruction of each county shall become and, for the remainder of the term being served, shall be the superintendent of schools of that county.

(b) The method of selection of the county superintendent of public instruction of each county, as provided by or under the Constitution of 1885, as amended, shall apply to the selec-

tion of the county superintendent of schools until changed as herein provided.

#### Section 7. *LAWS PRESERVED.*—

(a) All laws in effect upon the adoption of this constitution, to the extent not inconsistent with it, shall remain in force until they expire by their terms or are repealed.

(b) All statutes which, under the Constitution of 1885, as amended, apply to the state superintendent of public instruction and those which apply to the county superintendent of public instruction shall under this constitution apply, respectively, to the state commissioner of education and the county superintendent of schools.

(c) Article III, section 11(u), and so much of Article V, section 16(a), as relates to county supplementation of state salaries, shall be effective only after June 30, 1969, and after state laws provide salaries and expenses at least equal to the aggregate being paid when this constitution becomes effective.

#### Section 8. *RIGHTS RESERVED.*—

(a) All actions, rights of action, claims, contracts and obligations of individuals, corporations and public bodies or agencies existing on the date this constitution becomes effective shall continue to be valid as if this constitution had not been adopted. All taxes, penalties, fines and forfeitures owing to the state under the Constitution of 1885, as amended, shall inure to the state under this constitution, and all sentences as punishment for crime shall be executed according to their terms.

(b) This constitution shall not be retroactive so as to create any right or liability which did not exist under the Constitution of 1885, as amended, based upon matters occurring prior to the adoption of this constitution.

Section 9. *PUBLIC DEBTS RECOGNIZED.*— All bonds, revenue certificates, revenue bonds and tax anticipation certificates issued pursuant to the Constitution of 1885, as amended, by the state, any agency, political subdivision or public corporation of the state shall remain in full force and effect and shall be secured by the same sources of revenue as before the adoption of this constitution, and, to the extent necessary to effectuate this section, the applicable provision of the Constitution of 1885, as amended, are retained as a part of this constitution until payment in full of these public securities.

#### Section 10. *BONDS.*—

(a) *ADDITIONAL SECURITIES.* No additional revenue bonds shall be issued pursuant to Article IX, Section 17, or Article XII, Section 19 of the Constitution of 1885, as amended.

(b) *REFUNDING BONDS.*—Revenue bonds heretofore issued to finance the cost of capital projects for state purposes, including projects of the Florida State Turnpike Authority, or its successors, may be refunded as provided by law at a lower interest rate and a savings in cost by the issuance of bonds pledging the full faith and credit of the State and maturing not later than the obligations refunded, without regard to the amount of state bonds which may be issued in any fiscal year. Refunding bonds, issued under this sub-section (b), shall be included in determining the authorized maximum of outstanding state bonds.

#### (c) *MOTOR VEHICLE FUEL TAXES.*

(1) A tax, designated "second gas tax", of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles is hereby levied for a period of forty consecutive years. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this constitution as completely as though incorporated herein verbatim for the sole and exclusive purpose of providing that after the effective date of this constitution the proceeds of the "second gas tax" as referred to therein shall be distributed among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of persons holding bonds, revenue certificates and tax anticipation certificates or any refunding thereof.

(3) No new obligations shall hereafter be entered into directly or indirectly secured by a pledge of funds anticipated to be distributed under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, except that any outstanding obligations previously issued under said Article IX, Section 16, may be refunded at a lower interest rate and a savings in cost by the issuance of refunding bonds maturing not later than the obligations refunded and secured by a pledge of the same revenue and any other security authorized in paragraph (5) of this sub-section.

(4) Subject to the requirements of paragraph (2) of this sub-section and after payment of administrative expenses, the "second gas tax" shall be allocated in the state roads distribution fund to the account of each of the several counties in amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population in accordance with the latest available federal census to the total population of the state, and one-half in the ratio of the total "second gas tax" collected on final sales in each county during the previous fiscal year to the total collected in the state. If the annual cost of debt service of any county, secured under paragraph (2) of this sub-section, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this sub-section shall be administered by a state board of administration which shall have all the powers and duties of the state board of administration created under said Article IX, Section 16, of the Constitution of 1885, as amended, and the powers and duties conferred upon it by law. The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county, or in such other proportions as provided by general law. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used for the payment of obligations incurred pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refunding thereof, for the construction of roads as defined by law, and for the payment of debt service on bonds issued as provided by this paragraph (5) to finance road construction. When authorized by law, bonds pledging the full faith and credit of the state may be issued to refund obligations secured by the "second gas tax" under Article IX, Section 16, of the Constitution of 1885, as amended, and to finance the construction of roads in any county when approved by the governing body of the county and the state agency supervising the state road system after a determination by a state fiscal agency created by law that the annual debt service requirements of the bonds and all other bonds payable from the "second gas tax" allocated to the county do not exceed seventy-five per cent of the motor vehicle fuel taxes allocated to that county for the preceding state fiscal year. Bonds issued pursuant to this sub-section shall not be included in determining the amount of state bonds which may be issued in any year, but shall be included in determining the authorized maximum of outstanding state bonds.

(d) Article XII, Section 18, of the Constitution of 1885, as amended, as it existed immediately before this constitution becomes effective, is adopted by this reference as part of this constitution as completely as though incorporated herein verbatim.

#### Section 11. *JUDICIARY.*—

(a) Jurisdiction of courts. After this constitution becomes effective, and until changed by law consistent with Article V hereof:

(1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, except original jurisdiction in cases of habeas corpus.

(2) District courts of appeal shall have the jurisdiction immediately theretofore exercised by them.

(3) Circuit courts shall have the jurisdiction immediately theretofore exercised by them and by all the courts abolished by this constitution, except the jurisdiction vested by this constitution in other courts.

(4) County courts shall have jurisdiction of civil cases at



law in which the demand or value of property involved shall not exceed two thousand dollars, exclusive of interest, and of the trial of misdemeanors, and all the jurisdiction immediately theretofore exercised by county judges' courts; except the jurisdiction conferred upon magistrates' courts.

(5) Magistrates' courts in each county shall exercise in their respective counties and districts the jurisdiction in civil cases and the trial jurisdiction in criminal cases exercised by the respective small claims courts and justice of the peace courts immediately before this constitution became effective, each judge being limited to the jurisdiction theretofore exercised by the court of which he was judge. All judges of magistrates courts shall be coroners and committing magistrates.

(b) Transfer of pending cases—transfer of judges. When this constitution becomes effective:

(1) All courts not herein authorized shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior judgements shall vest in the court which, under this constitution, would have jurisdiction of the cause if thereafter instituted. All records of, and property held by, courts abolished hereby shall be transferred to the proper officer of the appropriate court under this constitution.

(2) County judges in all counties having a population in excess of one hundred thousand according to the latest decennial census, the judges of all courts of record by whatever name designated, and the judges of juvenile courts who hold no other office, for the remainder of their respective terms of office, shall become judges of the circuit court of the circuit in which they reside. All judges of the criminal courts of record of Dade, Duval, Hillsborough, Monroe, Orange, Palm Beach and Polk Counties and of the felony court of Volusia County and an appropriate number of judges of the civil and criminal court of record of Pinellas County and the courts of record of Broward and Brevard Counties shall be assigned by the chief justice of the supreme court to service in special criminal divisions of the circuit court. Judges of juvenile courts who become judges of circuit courts shall be assigned to juvenile divisions of the circuit courts, and county judges who become judges of circuit courts shall be assigned to the probate divisions of the circuit courts.

(3) In counties having a population of not over one hundred thousand according to the latest decennial census the county judges shall become the judges of the county courts.

(4) Justices of the peace, and the judges of small claims courts who hold no other office, shall become judges of magistrates' courts, each serving, for the remainder of his term, a magistrates' court district identical with his former territorial jurisdiction.

(c) Limited operation of some provisions.

(1) The requirement of Article V, Section 16, that all justices and judges be compensated by state salaries fixed by law shall not be effective until October 1, 1971.

(2) The qualifications for appointment or election to judicial office fixed by Article V, section 11, shall not apply to the future election of persons to judicial offices held by them immediately after this constitution becomes effective.

(3) No justice or judge holding office immediately after this constitution becomes effective who held judicial office on June 30, 1957, shall be subject to retirement from judicial office pursuant to Article V, section 14 (e).

(d) Number of judges. Until changed by law the number of judges of the circuit court in each circuit shall be that number required by Article V, section 6 (c), increased by the number of judges of other courts becoming circuit judges by operation of Article XII, section 11 (b) (2), with one additional judge in the circuit in which is located Duval County and one additional judge in the circuit in which is located the state capital.

(e) Non-judicial duties of county judges. Until otherwise provided by law, the non-judicial duties required of county judges shall be performed by the judges of the county courts in counties in which that office exists, and in counties in which there is no county court they shall be performed by the officers

to whom they may be assigned by proclamation of the governor.

(f) County solicitors, prosecuting attorneys. Until otherwise provided by law, county solicitors and county prosecuting attorneys, when those offices exist by law, shall prosecute the classes of crime within the jurisdiction of their respective offices immediately prior to the date this constitution becomes effective.

(g) Population changes. The county judge of a county which attains a population of more than one hundred thousand inhabitants according to the decennial census taken next after this constitution becomes effective shall become, for the remainder of his term, a judge of the circuit court of the circuit in which the county is located and shall be assigned to the probate division of that court.

(h) Clerks of court. After the effective date of this constitution, clerks of court shall continue to serve as follows:

(1) Except as hereinafter provided, the clerks of the circuit court will continue to serve in such offices in their respective counties.

(2) In counties having fewer than one hundred thousand population, the elective clerks of the courts abolished by this schedule who are in office on the effective date hereof shall serve out the remainder of their terms as clerks of the county courts in their respective counties.

(3) Except as hereinafter provided, in counties having in excess of one hundred thousand population, the elective clerks of the courts abolished by this schedule who are in office on the effective date hereof shall serve out the remainder of their terms as deputies to the clerks of the circuit court in their respective counties.

(4) In Escambia County, there is created the office of county clerk, which officer shall also be the clerk of the board of county commissioners, county recorder, and ex officio auditor and perform duties prescribed by law. The person holding the office of clerk of the circuit court on the effective date of this constitution shall be the county clerk for the remainder of the term for which he was appointed or elected.

(5) In Escambia County there shall be the office of clerk of the circuit court, which officer shall also serve as clerk of the magistrate court and perform duties prescribed by law. The person holding the office of the clerk of the court of record of Escambia County on the effective date of this constitution shall be the clerk of the circuit court for the remainder of the term for which he was appointed or elected.

Section 12. *ORDINANCE*.—Local laws relating only to unincorporated areas of a county on the effective date of this constitution may be amended or repealed by county ordinance.

Section 13. *PRESERVATION OF EXISTING GOVERNMENT*.—All provisions of the Constitution of 1885, as amended, which are not inconsistent with this constitution shall become statutes subject to modification or repeal as are other statutes.

Section 14. *CONSOLIDATION AND HOME RULE*.—Article VIII, sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this constitution had not been adopted, until that county shall expressly adopt a charter of home rule plan pursuant to this constitution. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, section 11 of the Constitution of 1885, shall be valid, and any amendments to such charter shall be valid, provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, section 11, of the Constitution of 1885.

Section 15. *DADE COUNTY—POWERS CONFERRED UPON MUNICIPALITIES*.—To the extent not inconsistent with the powers of existing municipalities or general law the Metropolitan Government of Dade county may exercise all the powers conferred now or hereafter by general law upon municipalities.

Section 16. *SENATORS*.—The requirements of staggered terms of senators in Section 16(a) of Article III of this constitution shall apply only to senators elected in November, 1972, and thereafter.

Section 17. **LEGISLATIVE APPORTIONMENT.**—The requirements of legislative apportionment in Section 16 of Article III of this constitution shall apply only to the apportionment of the legislature following the decennial census of 1970, and thereafter.

Section 18. **SOVEREIGN IMMUNITY; EFFECTIVE DATE.**—Article X, Section 11 of this constitution shall be effective only as to liabilities arising on or after October 1, 1969.

Section 19. **EFFECTIVE DATE.**—This constitution shall become effective at 12:01 o'clock A.M. Eastern Standard Time, January 1, 1969.

Was read the first time in full and referred to the Committee on Rules and Calendar.

By Senators Mathews, Young and Spencer—

**SJR 2-2X**—A joint resolution proposing a revision of portions of the Constitution of the State of Florida, excepting therefrom revision of Articles V, VI, and VIII.

*Be It Resolved by the Legislature of the State of Florida:*

That the following proposed revision of portions of the Constitution of the State of Florida, excepting therefrom revision of Articles V, VI, and VIII is hereby agreed to and shall be submitted to the electors of the state for ratification or rejection at the next general election to be held in November 1968:

#### PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

#### ARTICLE I

##### DECLARATION OF RIGHTS

Section 1. **POLITICAL POWER.**—All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people.

Section 2. **BASIC RIGHTS.**—All natural persons are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race or religion.

Section 3. **RELIGIOUS FREEDOM.**—There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

Section 4. **FREEDOM OF SPEECH AND PRESS.**—Every person may speak, write and publish his sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

Section 5. **RIGHT TO ASSEMBLE.**—The people shall have the right peaceably to assemble, to instruct their representatives, and to petition for redress of grievances.

Section 6. **RIGHT TO WORK.**—The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. The right of employees, public or private, by and through a labor union or labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.

Section 7. **MILITARY POWER.**—The military power shall be subordinate to the civil.

Section 8. **RIGHT TO BEAR ARMS.**—The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

Section 9. **DUE PROCESS.**—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against himself.

Section 10. **PROHIBITED LAWS.**—No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

Section 11. **IMPRISONMENT FOR DEBT.**—No person shall be imprisoned for debt, except in cases of fraud.

Section 12. **SEARCHES AND SEIZURES.**—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communications to be intercepted, and the nature of evidence to be obtained. Articles or information obtained in violation of this right shall not be admissible in evidence.

Section 13. **HABEAS CORPUS.**—The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety.

Section 14. **BAIL.**—Until adjudged guilty, every person charged with a crime or violation of municipal or county ordinance shall be entitled to release on reasonable bail with sufficient surety unless charged with a capital offense and the proof of guilt is evident or the presumption is great.

Section 15.—**PROSECUTION FOR CRIME—OFFENSES COMMITTED BY CHILDREN.**—

(a) No person shall be tried for capital crime without presentment or indictment by a grand jury, or for other felony without such presentment or indictment or an information under oath filed by the prosecuting officer of the court, except persons on active duty in the militia when tried by courts martial.

(b) When authorized by law, a child as therein defined may be charged with a violation of law as an act of delinquency instead of crime and tried without a jury or other requirements applicable to criminal cases. Any child so charged shall, upon demand made as provided by law before a trial in a juvenile proceeding, be tried in an appropriate court as an adult. A child found delinquent shall be disciplined as provided by law.

Section 16. **RIGHTS OF ACCUSED.**—In all criminal prosecutions the accused shall, upon demand, be informed of the nature and cause of the accusation against him, and shall be furnished a copy of the charges, and shall have the right to have compulsory process for witnesses, to confront at trial adverse witnesses, to be heard in person, by counsel or both, and to have a speedy and public trial by impartial jury in the county where the crime was committed. If the county is not known, the indictment or information may charge venue in two or more counties conjunctively and proof that the crime was committed in that area shall be sufficient; but before pleading the accused may elect in which of those counties he will be tried. Venue for prosecution of crimes committed beyond the boundaries of the state shall be fixed by law.

Section 17. **EXCESSIVE PUNISHMENTS.**—Excessive fines, cruel or unusual punishment, attainder, forfeiture of estate, indefinite imprisonment, and unreasonable detention of witnesses are forbidden.

Section 18. **ADMINISTRATIVE PENALTIES.**—No administrative agency shall impose a sentence of imprisonment, nor shall it impose any other penalty except as provided by law.

Section 19. **COSTS.**—No person charged with crime shall be compelled to pay costs before a judgment of conviction has become final.

Section 20. **TREASON.**—Treason against the state shall consist only in levying war against it, adhering to its enemies,



or giving them aid and comfort, and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act or on confession in open court.

Section 21. *ACCESS TO COURTS.*—The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Section 22. *TRIAL BY JURY.*—The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

## ARTICLE II

### GENERAL PROVISIONS

#### Section 1. *STATE BOUNDARIES.*—

(a) The state boundaries are: Begin at the mouth of the Perdido River, which for the purposes of this description is defined as the point where latitude 30°16'53" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°17'02" north and longitude 87°31'06" west intersect; thence to the point where latitude 30°18'00" north and longitude 87°27'08" west intersect; thence to the point where the center line of the Intracoastal Canal (as the same existed on June 12, 1953) and longitude 87°27'00" west intersect; the same being in the middle of the Perdido River; thence up the middle of the Perdido River to the point where it intersects the south boundary of the State of Alabama, being also the point of intersection of the middle of the Perdido River with latitude 31°00'00" north; thence east, along the south boundary line of the State of Alabama, the same being latitude 31°00'00" north to the middle of the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence in a straight line to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence due east to the edge of the Gulf Stream or a distance of three geographic miles whichever is the greater distance; thence in a southerly direction along the edge of the Gulf Stream or along a line three geographic miles from the Atlantic coastline and three leagues distant from the Gulf of Mexico coastline, whichever is greater, to and through the Straits of Florida and westerly, including the Florida reefs, to a point due south of and three leagues from the southernmost point of the Marquesas Keys; thence westerly along a straight line to a point due south of and three leagues from Loggerhead Key, the westernmost of the Dry Tortugas Islands; thence westerly, northerly and easterly along the arc of a curve three leagues distant from Loggerhead Key to a point due north of Loggerhead Key; thence northeast along a straight line to a point three leagues from the coastline of Florida; thence northerly and westerly three leagues distant from the coastline to a point west of the mouth of the Perdido River three leagues from the coastline as measured on a line bearing 0°01'00" west from the point of beginning; thence along said line to the point of beginning. The State of Florida shall also include any additional territory within the United States adjacent to the Peninsula of Florida lying south of the St. Marys River, east of the Perdido River, and south of the States of Alabama and Georgia.

(b) The Legislature may extend the coastal boundaries to such limits as the laws of the United States or international law may permit.

Section 2. *SEAT OF GOVERNMENT.*—The seat of government shall be the City of Tallahassee, in Leon County, where the offices of the governor, lieutenant governor, cabinet members and the supreme court shall be maintained and the sessions of the legislature shall be held; provided that, in time of invasion or grave emergency, the governor by proclamation may for the period of the emergency transfer the seat of government to another place.

Section 3. *BRANCHES OF GOVERNMENT.*—The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein.

Section 4. *STATE SEAL AND FLAG.*—The design of the great seal and flag of the state shall be prescribed by law.

#### Section 5. *PUBLIC OFFICERS.*—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the

United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, constitutional convention, or statutory body having only advisory powers.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God."

and thereafter shall devote personal attention to the duties of the office, and continue in office until his successor qualifies.

(c) The powers, duties, compensation, and method of payment of state and county officers shall be fixed by law.

Section 6. *ENEMY ATTACK.*—In periods of emergency resulting from enemy attack the legislature shall have power to provide for prompt and temporary succession to the powers and duties of all public offices the incumbents of which may become unavailable to execute the functions of their offices, and to adopt such other measures as may be necessary and appropriate to insure the continuity of governmental operations during the emergency. In exercising these powers, the legislature may depart from other requirements of this constitution, but only to the extent necessary to meet the emergency.

## ARTICLE III

### LEGISLATURE

Section 1. *COMPOSITION.*—The legislative power of the state shall be vested in a legislature of the State of Florida, consisting of a senate composed of one senator elected from each senatorial district and a house of representatives composed of one member elected from each representative district.

Section 2. *MEMBERS—OFFICERS.*—Each house shall be the sole judge of the qualifications, elections, and returns of its members, and shall biennially choose its officers, including a permanent presiding officer selected from its membership, who shall be designated in the senate as President of the Senate, and in the house as Speaker of the House of Representatives. The senate shall designate a Secretary to serve at its pleasure, and the house of representatives shall designate a Clerk to serve at its pleasure. The legislature shall appoint an auditor to serve at its pleasure who shall audit public records and perform related duties as prescribed by law or concurrent resolution.

#### Section 3. *SESSIONS OF THE LEGISLATURE.*—

(a) *ORGANIZATION SESSIONS.* On the fourteenth day following each general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) *REGULAR SESSIONS.* A regular session of the legislature shall convene on the first Tuesday after the first Monday in April of each odd-numbered year, and on the first Tuesday after the first Monday in April, or such other date as may be fixed by law, of each even-numbered year.

#### (c) *SPECIAL SESSIONS.*

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) A special session of the legislature may be convened as provided by law.

(d) *LENGTH OF SESSIONS.* A regular session of the legislature shall not exceed sixty consecutive days and a special session shall not exceed twenty consecutive days, unless

extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(e) **ADJOURNMENT.** Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.

(f) **ADJOURNMENT BY GOVERNOR.** If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, he shall, while neither house is in recess, give each house formal written notice of his intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

#### Section 4. *QUORUM AND PROCEDURE.*—

(a) A majority of the membership of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the presence of absent members in such manner and under such penalties as it may prescribe. Each house shall determine its rules of procedure.

(b) Sessions of each house shall be public; except sessions of the senate when considering appointment to or removal from public office may be closed.

(c) Each house shall keep and publish a journal of its proceedings; and upon the request of five members present, the vote of each member voting on any question shall be entered on the journal.

(d) Each house may punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member.

Section 5. *INVESTIGATIONS — WITNESSES.* — Each house, when in session, may compel attendance of witnesses and production of documents and other evidence upon any matter under investigation before it or any of its committees, and may punish by fine not exceeding one thousand dollars or imprisonment not exceeding ninety days, or both, any person not a member who has been guilty of disorderly or contemptuous conduct in its presence, or has refused to obey its lawful summons or to answer lawful questions. Such powers, except the power to punish, may be conferred by law upon committees when the legislature is not in session. Punishment of contempt of an interim legislative committee shall be by judicial proceedings as prescribed by law.

Section 6. *LAWS.*—Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No law shall be revised or amended by reference to its title only. Laws to revise or amend shall set out in full the revised or amended act, section, subsection or paragraph of a subsection. The enacting clause of every law shall read: "Be It Enacted by the Legislature of the State of Florida:".

Section 7. *PASSAGE OF BILLS.*—Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote. On each reading, it shall be read by title only, unless one-third of the members present desire it read in full. On final passage, the vote of each member voting shall be entered on the journal. Passage of a bill shall require a majority vote in each house. Each bill and joint resolution passed in both houses shall be signed by the presiding officers of the respective houses and by the secretary of the senate and the clerk of the house of representatives during the session or as soon as practicable after its adjournment sine die.

#### Section 8. *EXECUTIVE APPROVAL AND VETO.*—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if he approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, he shall have fifteen consecutive days from the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualifi-

cation or restriction without also vetoing the appropriation to which it relates.

(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed by the governor, he shall transmit his signed objections thereto to the house in which the bill originated if in session. If that house is not in session, he shall file them with the secretary of state, who shall lay them before that house at its next regular or special session, and they shall be entered on its journal.

(c) If each house shall, by a two-thirds vote, re-enact the bill or reinstate the vetoed specific appropriation of a general appropriation bill, the vote of each member voting shall be entered on the respective journals, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding.

Section 9. *EFFECTIVE DATE OF LAWS.*—Each law shall take effect on the sixtieth day after adjournment sine die of the session of the legislature in which enacted or as otherwise provided therein. If the law is passed over the veto of the governor it shall take effect on the sixtieth day after adjournment sine die of the session in which the veto is overridden, on a later date fixed in the law, or on a date fixed by resolution passed by both houses of the legislature.

Section 10. *SPECIAL LAWS.*—No special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected.

#### Section 11. *PROHIBITED SPECIAL LAWS.*—

(a) There shall be no special law or general law of local application pertaining to:

(1) election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies;

(2) assessment or collection of taxes for state or county purposes, including extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability;

(3) rules of evidence in any court;

(4) punishment for crime;

(5) petit juries, including compensation of jurors, except establishment of jury commissions;

(6) change of civil or criminal venue;

(7) conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;

(8) refund of money legally paid or remission of fines, penalties or forfeitures;

(9) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts;

(10) disposal of public property, including any interest therein, for private purposes;

(11) vacation of roads;

(12) private incorporation or grant of privilege to a private corporation;

(13) effectuation of invalid deeds, wills or other instruments, or change in the law of descent;

(14) change of name of any person;

(15) divorce;

(16) legitimization or adoption of persons;

(17) relief of minors from legal disabilities;

(18) transfer of any property interest of persons under legal disabilities or of estates of decedents;

(19) hunting or fresh water fishing;

(20) regulation of occupations which are regulated by a state agency; or

(21) any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Such law may be amended or repealed by like vote.

(b) In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

Section 12. *APPROPRIATION BILLS*.—Laws making appropriations for salaries of public officers and other current expenses of the state shall contain provisions on no other subject.

Section 13. *TERM OF OFFICE*.—No office shall be created the term of which shall exceed four years except as provided herein.

Section 14. *CIVIL SERVICE SYSTEM*.—By law there shall be created a civil service system for state employees, except those expressly exempted, and there may be created civil service systems and boards for county, district or municipal employees and for such offices thereof as are not elected or appointed by the governor, and there may be authorized such boards as are necessary to prescribe the qualifications, method of selection and tenure of such employees and officers.

Section 15. *TERMS AND QUALIFICATIONS OF LEGISLATORS*.—

(a) *SENATORS*. Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four, and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

(b) *REPRESENTATIVES*. Members of the house of representatives shall be elected for terms of two years in each even-numbered year.

(c) *QUALIFICATIONS*. Each legislator shall be at least twenty-one years of age, an elector and resident of the district from which elected and shall have resided in the state for a period of two years prior to election.

(d) *ASSUMING OFFICE—VACANCIES*. Members of the legislature shall take office upon election. Vacancies in legislative office shall be filled only by election as provided by law.

Section 16. *LEGISLATIVE APPORTIONMENT*.—

(a) *SENATORIAL AND REPRESENTATIVE DISTRICTS*. The legislature at its regular session in the second year following each decennial census, by joint resolution, shall apportion the state in accordance with the constitution of the state and of the United States into not less than thirty nor more than forty consecutively numbered senatorial districts of either contiguous, overlapping or identical territory, and into not less than eighty nor more than one hundred twenty consecutively numbered representative districts of either contiguous, overlapping or identical territory. Should that session adjourn without adopting such joint resolution, the governor by proclamation shall reconvene the legislature within thirty days in special apportionment session which shall not exceed thirty consecutive days, during which no other business shall be transacted, and it shall be the mandatory duty of the legislature to adopt a joint resolution of apportionment.

(b) *FAILURE OF LEGISLATURE TO APPORTION—JUDICIAL REAPPORTIONMENT*. In the event a special apportionment session of the legislature finally adjourns without adopting a joint resolution of apportionment, the attorney general shall, within five days, petition the supreme court of the state to make such apportionment. No later than the sixtieth day after the filing of such petition, the supreme court shall file with the secretary of state an order making such apportionment.

(c) *JUDICIAL REVIEW OF APPORTIONMENT*. Within fifteen days after the passage of the joint resolution of apportionment, the attorney general shall petition the supreme court of the state for a declaratory judgment determining the validity of the apportionment. The supreme court, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the petition, shall enter its judgment.

(d) *EFFECT OF JUDGMENT IN APPORTIONMENT—EXTRAORDINARY APPORTIONMENT SESSION*. A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the governor by proclamation shall reconvene the legislature within five days thereafter in extraordinary apportionment session which shall not exceed fifteen days, during which the legislature shall adopt a joint resolution of apportionment conforming to the judgment of the supreme court.

(e) *EXTRAORDINARY APPORTIONMENT SESSION—REVIEW OF APPORTIONMENT*. Within fifteen days after the adjournment of an extraordinary apportionment session, the attorney general shall file a petition in the supreme court of the state setting forth the apportionment resolution adopted by the legislature, or if none has been adopted, reporting that fact to the court. Consideration of the validity of a joint resolution of apportionment shall be had as provided for in cases of such joint resolution adopted at a regular or special apportionment session.

(f) *JUDICIAL REAPPORTIONMENT*. Should an extraordinary apportionment session fail to adopt a resolution of apportionment or should the supreme court determine that the apportionment made is invalid, the court shall, not later than sixty days after receiving the petition of the attorney general, file with the secretary of state an order making such apportionment.

Section 17. *IMPEACHMENT*.—

(a) The governor, lieutenant governor, members of the cabinet, justices of the supreme court and judges of other courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote shall have the power to impeach an officer. The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

(b) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and unless the governor is impeached he may by appointment fill the office until completion of the trial.

(c) All impeachments by the house of representatives shall be tried by the senate. The chief justice of the supreme court, or another justice designated by him, shall preside at the trial, except in a trial of the chief justice, in which case the governor shall preside. The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not. The time fixed for trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the members of the senate present. Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualifications to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

Section 18. *CONFLICT OF INTEREST*.—A code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

## ARTICLE IV EXECUTIVE

Section 1. *GOVERNOR*.—

(a) The supreme executive power shall be vested in a governor. He shall be commander-in-chief of all military forces of the state not in active service of the United States. He shall take care that the laws be faithfully executed, commission all officers of the state and counties, and transact all necessary business with the officers of government. He may require information in writing from all executive or administrative state, county, or municipal officers upon any subject relating to the duties of their respective offices.

(b) The governor may initiate judicial proceedings in the name of the state against any executive or administrative state, county or municipal officer to enforce compliance with any duty or restrain any unauthorized act.

(c) The governor may request in writing the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion not earlier than ten days from the filing and docketing of such request, unless in their judgment such delay would cause public injury.

(d) The governor shall have power to call out the militia to preserve the public peace, execute the laws of the state, suppress insurrection, or repel invasion.

(e) The governor shall by message at least once in each regular session inform the legislature concerning the condition of the state, propose such reorganization of the executive department as will promote efficiency and economy, and recommend measures in the public interest.

(f) When not otherwise provided for in this constitution, the governor shall fill by appointment any vacancy in state or county office for the remainder of the term of an appointive office, and for the remainder of the term of an elective office if less than twenty-eight months, otherwise until the first Tuesday after the first Monday following the next general election.

## Section 2. *LIEUTENANT GOVERNOR.*—

(a) *DUTIES.* There shall be a lieutenant governor. He shall perform such duties pertaining to the office of governor as shall be assigned to him by the governor and such other duties as may be prescribed by law.

(b) *SUCCESSION TO OFFICE OF GOVERNOR.* Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(c) *ACTING GOVERNOR.* Upon impeachment of the governor and until completion of trial thereof, or during his physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by four cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or four cabinet members. Incapacity to serve as governor may also be established by certificate filed with the secretary of state by the governor declaring his incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

## Section 3. *CABINET.*—

(a) There shall be a cabinet composed of a secretary of state, an attorney general, a comptroller, a treasurer, a commissioner of agriculture and a commissioner of education. In addition to the powers and duties specified herein, they shall exercise such powers and perform such duties as may be prescribed by law.

(b) The secretary of state shall keep the records of the official acts of the legislative and executive departments.

(c) The attorney general shall be the chief state legal officer.

(d) The comptroller shall serve as the chief fiscal officer of the state, and shall settle and approve accounts against the state.

(e) The treasurer shall keep all state funds and securities. He shall disburse state funds only upon the order of the comptroller, countersigned by the governor. The governor shall countersign as a ministerial duty subject to original mandamus.

(f) The commissioner of agriculture shall have supervision of matters pertaining to agriculture except as otherwise provided by law.

(g) The commissioner of education shall supervise the public education system in the manner prescribed by law.

## Section 4. *ELECTION OF GOVERNOR, LIEUTENANT GOVERNOR AND CABINET MEMBERS—QUALIFICATIONS—TERMS.*—

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In the general election and in party primaries, if held, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

(b) When elected, the governor, lieutenant governor and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida for the preceding five years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.

Section 5. *EXECUTIVE DEPARTMENTS.*—All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

## Section 6. *SUSPENSIONS—FILLING OFFICE DURING SUSPENSIONS.*—

(a) By executive order stating the grounds and filed with the secretary of state, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform his official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.

(b) The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official and for such purpose the senate may be convened in special session by its president or by a majority of its membership.

(c) By order of the governor any elected municipal officer indicted for crime may be suspended from office until acquitted and the office filled by appointment for the period of suspension, not to extend beyond the term, unless these powers are vested elsewhere by law or the municipal charter.

## Section 7. *CLEMENCY.*—

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the secretary of state, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of three members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

Section 8. *GAME AND FRESH WATER FISH COMMISSION*.—There shall be a game and fresh water fish commission, composed of five members appointed by the governor for staggered terms of five years. The commission shall exercise the non-judicial powers of the state with respect to wild animal life and fresh water aquatic life, except that all license fees for taking wild animal life and fresh water aquatic life and penalties for violating regulations of the commission shall be prescribed by specific statute.

## ARTICLE VII

### FINANCE AND TAXATION

#### Section 1. *TAXATION—APPROPRIATIONS—STATE EXPENSES*.—

(a) No tax shall be levied except in pursuance of law. No state ad valorem taxes shall be levied upon real estate or tangible personal property. All other forms of taxation shall be preempted to the state except as provided by general law.

(b) Motor vehicles, boats, airplanes, trailers, trailer coaches and mobile homes, as defined by law, shall be subject to a license tax for their operation in the amounts and for the purposes prescribed by law, but shall not be subject to ad valorem taxes.

(c) No money shall be drawn from the treasury except in pursuance of appropriation made by law.

(d) Provision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.

Section 2. *TAXES—RATE*.—All ad valorem taxation shall be at a uniform rate within each taxing unit except:

(a) The tax on intangible personal property shall never exceed two mills on the dollar of assessed value; provided that as to any obligations secured by mortgage, deed of trust, or other lien on real estate wherever located, an intangible tax of not more than two mills on the dollar may be levied by law to be in lieu of all other intangible assessments on such obligations.

(b) All property owned by a municipality and used exclusively by such municipality for municipal or public purposes within the county in which the municipality is located shall be exempt from taxation. By general law other property owned by a municipality and used exclusively for municipal or public purposes, and property used exclusively for educational, literary, scientific, religious or charitable purposes may be exempted from taxation.

(c) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

Section 3. *TAXATION—ASSESSMENTS*.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land or land used exclusively for non-commercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value.

Section 4. *ESTATE, INHERITANCE AND INCOME TAXES*.—No tax upon estates or inheritances or upon the income of residents or citizens of the state shall be levied by the state, or under its authority, in excess of the aggregate of amounts which may be allowed to be credited upon or deducted from any similar tax levied by the United States or any state.

#### Section 5. *HOMESTEAD EXEMPTIONS*.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, to the extent of five thousand dollars of assessed value, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as

a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which his interest in the corporation bears to the assessed value of the property.

(c) If the real estate be maintained as a bona fide permanent home for an owner who has been a resident of the state for the preceding five years and who is over the age of sixty-five or totally disabled as defined by law, the amount of the exemption shall be ten thousand dollars of assessed value.

Section 6. *ALLOCATION OF PARI-MUTUEL TAXES*.—Taxes upon the operation of pari-mutuel pools may be preempted to the state or allocated in whole or in part to the counties. When allocated to the counties, the distribution shall be in equal amounts to the several counties.

Section 7. *AID TO LOCAL GOVERNMENTS*.—State funds may be appropriated to the several counties, school districts, municipalities or special districts upon such conditions as may be provided by general law.

#### Section 8. *LOCAL TAXES*.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; and for special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services in unincorporated areas may, to the extent authorized by law, levy therein additional taxes within the limits fixed for municipal purposes.

Section 9. *PLEDGING CREDIT*.—Neither the state nor any county, school district, municipality, special district, or agency of any of them, shall become a joint owner with or stockholder of or give, lend, or use its taxing power or credit to aid any corporation, association, partnership, or person; but this shall not prohibit laws authorizing:

(a) the investment of public trust funds;

(b) the investment of other public funds in obligations of, or insured by, the United States or any of its instrumentalities;

(c) the issuance and sale by any county, municipality, special district or other local governmental body of (1) revenue bonds to finance or refinance the cost of capital projects for airports or port facilities, or (2) revenue bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants to the extent that the interest thereon is exempt from income taxes under the then existing laws of the United States, when, in either case, the revenue bonds are payable solely from revenue derived from the sale, operation, or leasing of the projects. Any project so financed, or any part thereof, which is occupied or operated by any private corporation, association, partnership or person pursuant to contract or lease with the issuing body, shall be subject to taxation to the same extent as privately owned property.

#### Section 10. *STATE BONDS—REVENUE BONDS*.—

(a) State bonds pledging the full faith and credit of the state may be issued only to finance or refinance the cost of state capital projects upon approval by a vote of the electors; provided state bonds issued pursuant to this subsection (a) may be refunded without a vote of the electors at a lower net average interest cost rate. The total outstanding principal of state bonds issued pursuant to this subsection (a) shall never exceed

fifty per cent of the total tax revenues of the state for the two preceding fiscal years.

(b) Moneys sufficient to pay debt service on state bonds as the same becomes due shall be appropriated by law.

(c) Revenue bonds may be issued by the state or its agencies without a vote of the electors only to finance or refinance the cost of state capital projects and shall be payable solely from funds derived from sources other than state tax revenues or rents or fees paid from state tax revenues.

Section 11. *LOCAL BONDS*.—Counties, school districts, municipalities, special districts and local governmental bodies with taxing powers may issue bonds, certificates of indebtedness or any form of tax anticipation certificates, payable from ad valorem taxation and maturing more than twelve months after issuance only:

(a) to finance or refinance capital projects authorized by law and only when approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation; or

(b) to refund outstanding bonds and interest and redemption premium thereon at a lower net average interest cost rate.

Section 12. *RELIEF FROM ILLEGAL TAXES*.—Until payment of all taxes which have been legally assessed upon the property of the same owner, no court shall grant relief from the payment of any tax that may be illegal or illegally assessed.

## ARTICLE IX EDUCATION

Section 1. *SYSTEM OF PUBLIC EDUCATION*.—Adequate provision shall be made by law for a uniform system of free public schools and for the establishment, maintenance and operation of institutions of higher learning and other public education programs that the needs of the people may require.

Section 2. *STATE BOARD OF EDUCATION*.—The governor and the members of the cabinet shall constitute a state board of education, which shall be a body corporate and have such supervision of the system of public education as provided by law.

Section 3. *TERMS OF APPOINTIVE BOARD MEMBERS*.—Members of any appointive board dealing with education may serve terms in excess of four years as provided by law.

Section 4. *SCHOOL DISTRICTS—SCHOOL BOARDS*.—

(a) Each county shall constitute a school district; provided two or more contiguous counties may be combined by law into one school district. In each school district there shall be a school board composed of five or more members chosen by vote of the electors for appropriately staggered terms of four years, as provided by law.

(b) The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes. Two or more school districts may operate and finance joint educational programs.

Section 5. *SUPERINTENDENT OF SCHOOLS*.—In each school district there shall be a superintendent of schools. He shall be elected at the general election in each year the number of which is a multiple of four for a term of four years; or, when provided by resolution of the district school board approved by vote of the electors, the office of district school superintendent in any school district shall be filled by appointment by the district school board. Such resolution may be rescinded by like procedure after four years.

Section 6. *STATE SCHOOL FUND*.—The income derived from the state school fund shall, and the principal of such fund may, be appropriated only to the support and maintenance of free public schools.

## ARTICLE X MISCELLANEOUS

Section 1. *AMENDMENTS TO UNITED STATES CON-*

*STITUTION*.—The legislature shall not take action on any proposed amendment to the constitution of the United States unless a majority of the members thereof have been elected after the proposed amendment has been submitted for ratification.

Section 2. *MILITIA*.—

(a) The militia shall be composed of all able-bodied inhabitants of the state who are or have declared their intention to become citizens of the United States; and no person because of religious creed or opinion shall be exempted from military duty except upon conditions provided by law.

(b) The organizing, equipping, housing, maintaining, and disciplining of the militia, and the safekeeping of public arms may be provided for by law.

(c) The governor shall appoint all commissioned officers of the militia, including an adjutant general who shall be chief of staff. The appointment of all general officers shall be subject to confirmation by the senate.

(d) The qualifications of personnel and officers of the federally recognized national guard, including the adjutant general, and the grounds and proceedings for their discipline and removal shall conform to the appropriate United States army or air force regulations and usages.

Section 3. *VACANCY IN OFFICE*.—Vacancy in office shall occur upon the creation of an office, upon the death of the incumbent or his removal from office, resignation, succession to another office, unexplained absence for sixty consecutive days, or failure to maintain the residence required when elected or appointed, and upon failure of one elected or appointed to office to qualify within thirty days from the commencement of the term.

Section 4. *HOMESTEAD—EXEMPTIONS*.—

(a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty, the following property owned by the head of a family:

(1) a homestead, if located outside a municipality, to the extent of one hundred sixty acres of contiguous land and improvements thereon, which shall not be reduced without the owner's consent by reason of subsequent inclusion in a municipality; or if located within a municipality, to the extent of one-half acre of contiguous land, upon which the exemption shall be limited to the residence of the owner or his family;

(2) personal property to the value of one thousand dollars.

(b) These exemptions shall inure to the surviving spouse or heirs of the owner.

(c) The homestead shall not be subject to devise if the owner is survived by spouse or minor child. The owner of homestead real estate, joined by the spouse if married, may alienate the homestead by mortgage, sale or gift and, if married, may by deed transfer the title to an estate by the entirety with the spouse. If the owner or spouse is incompetent, the method of alienation or encumbrance shall be as provided by law.

Section 5. *COVERTURE AND PROPERTY*.—There shall be no distinction between married women and married men in the holding, control, disposition, or encumbering of their property, both real and personal; except that dower or curtesy may be established and regulated by law.

Section 6. *EMINENT DOMAIN*.—

(a) No private property shall be taken or damaged except for a public purpose and with full compensation therefor, including damages arising from the taking, as determined by a jury, and court costs, reasonable expenses and attorneys' fees,



as determined by a court, paid to each owner or secured by deposit in the registry of the court and available to the owner.

(b) After judicial determination of necessity, title and possession of the property may be taken before final judgment upon deposit in the registry of the court, available to the owner, of a sum found by the judge of the court to be fair and reasonable after a hearing pursuant to reasonable notice as provided by law.

(c) Any owner may withdraw from the registry of the court the amount found by the court to be fair and reasonable, made before judgment without waiving the right to jury trial, or the deposit of the sum awarded by judgment after trial without waiving the right of appeal. No appeal from any order or judgment of taking shall operate as a supersedeas.

(d) Provision may be made by law for the taking, by like proceedings, of rights of access to, or for drainage or irrigation of, the land of one person over or through the land of another.

Section 7. *LOTTERIES*.—Lotteries, other than the types of pari-mutuel pools authorized by law as of the effective date of this constitution, are hereby prohibited in this state.

#### Section 8. *CENSUS*.—

(a) Each decennial census of the state taken by the United States shall be an official census of the state.

(b) Each decennial census, for the purpose of classifications based upon population, shall become effective on the thirtieth day after the final adjournment of the regular session of the legislature convened next after certification of the census.

Section 9. *REPEAL OF CRIMINAL STATUTES*.—Repeal or amendment of a criminal statute shall not affect prosecution or punishment for any crime previously committed.

Section 10. *FELONY—DEFINITION*.—The term “felony” as used herein and in the laws of this state shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in the state penitentiary.

Section 11. *SOVEREIGNTY LANDS*.—The title to lands under navigable waters, within the boundaries of the state, which have not been alienated, including beaches below mean high water lines, is held by the state, by virtue of its sovereignty, in trust for all the people. Sale or private use of portions of such lands may be authorized by law, but only when not contrary to the public interest.

Section 12. *RULES OF CONSTRUCTION*.—Unless qualified in the text the following rules of construction shall apply to this constitution.

- (a) “Herein” refers to the entire constitution.
- (b) The singular includes the plural.
- (c) The masculine includes the feminine.
- (d) “Vote of the electors” means the vote of the majority of those voting on the matter in an election, general or special, in which those participating are limited to the electors of the governmental unit referred to in the text.
- (e) Vote or other action of a legislative house or other governmental body means the vote or action of a majority or other specified percentage of those members voting on the matter. “Of the membership” means “of all members thereof.”
- (f) The terms “judicial office,” “justices” and “judges” shall not include judges of courts established solely for the trial of violations of ordinances.
- (g) “Special law” means a special or local law.
- (h) Titles and subtitles shall not be used in construction.

Section 13. *SOVEREIGN IMMUNITY*.—The state, its agencies and political subdivisions, shall be liable on their contracts and responsible for their torts under the circumstances and subject to the limitations upon and methods, administrative or judicial, for determining liability as established by general law.

### ARTICLE XI AMENDMENTS

Section 1. *PROPOSAL BY LEGISLATURE*.—Amendment of a section or revision of one or more articles, or the whole,

of this constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature. The full text of the joint resolution and the vote of each member voting shall be entered on the journal of each house.

#### Section 2. *REVISION COMMISSION*.—

(a) Within thirty days after the adjournment of the regular session of the legislature convened in the tenth year following that in which this constitution is adopted, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

- (1) the attorney general of the state;
- (2) fifteen members selected by the governor;
- (3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and
- (4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chairman. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chairman, adopt its rules of procedure, examine the constitution of the state, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it.

Section 3. *INITIATIVE*.—The power to propose amendments to any section of this constitution by initiative is reserved to the people. It may be invoked by filing with the secretary of state a petition containing a copy of the proposed amendment, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to eight per cent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

#### Section 4. *CONSTITUTIONAL CONVENTION*.—

(a) The power to call a convention to consider a revision of the entire constitution is reserved to the people. It may be invoked by filing with the secretary of state a petition, containing a declaration that a constitutional convention is desired, signed by a number of electors in each of one half of the congressional districts of the state, and of the state as a whole, equal to fifteen per cent of the votes cast in each such district respectively and in the state as a whole in the last preceding election of presidential electors.

(b) At the next general election held more than ninety days after the filing of such petition there shall be submitted to the electors of the state the question: “Shall a constitutional convention be held?” If a majority voting on the question votes in the affirmative, at the next succeeding general election there shall be elected from each representative district a member of a constitutional convention. On the twenty-first day following that election, the convention shall sit at the capital, elect officers, adopt rules of procedure, judge the election of its membership, and fix a time and place for its future meetings. Not later than ninety days before the next succeeding general election, the convention shall cause to be filed with the secretary of state any revision of this constitution proposed by it.

#### Section 5. *AMENDMENT OR REVISION ELECTION*.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission or constitutional convention proposing it is filed with the secretary of state, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.



(c) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

## ARTICLE XII

### SCHEDULE

Section 1. *CONSTITUTION OF 1885 SUPERSEDED.*—The Constitution of Florida adopted in 1885, as amended from time to time, is superseded by this constitution except those sections expressly retained and made a part of this constitution by reference.

Section 2. *SARASOTA COUNTY — HOMESTEAD TAX EXEMPTION.*—The status of Sarasota county as respects the deferred allowance of homestead tax exemption under Article X, Section 7, of the Constitution of 1885, as amended, shall continue in effect until changed by vote of the electors of the county to conform to Article VII, Section 5, of this constitution.

Section 3. *OFFICERS TO CONTINUE IN OFFICE.*—Every person holding office when this constitution becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

Section 4. *STATE COMMISSIONER OF EDUCATION.*—The state superintendent of public instruction in office on the effective date of this constitution shall become and, for the remainder of the term being served, shall be the commissioner of education.

#### Section 5. *SUPERINTENDENT OF SCHOOLS.*—

(a) On the effective date of this constitution the county superintendent of public instruction of each county shall become and, for the remainder of the term being served, shall be the superintendent of schools of that district.

(b) The method of selection of the county superintendent of public instruction of each county, as provided by or under the Constitution of 1885, as amended, shall apply to the selection of the district superintendent of schools until changed as herein provided.

#### Section 6. *LAWS PRESERVED.*—

(a) All laws in effect upon the adoption of this constitution, to the extent not inconsistent with it, shall remain in force until they expire by their terms or are repealed.

(b) All statutes which, under the Constitution of 1885, as amended, apply to the state superintendent of public instruction and those which apply to the county superintendent of public instruction shall under this constitution apply, respectively, to the state commissioner of education and the district superintendent of schools.

#### Section 7. *RIGHTS RESERVED.*—

(a) All actions, rights of action, claims, contracts and obligations of individuals, corporations and public bodies or agencies existing on the date this constitution becomes effective shall continue to be valid as if this constitution had not been adopted. All taxes, penalties, fines and forfeitures owing to the state under the Constitution of 1885, as amended, shall inure to the state under this constitution, and all sentences as punishment for crime shall be executed according to their terms.

(b) This constitution shall not be retroactive so as to create any right or liability which did not exist under the Constitution of 1885, as amended, based upon matters occurring prior to the adoption of this constitution.

Section 8. *PUBLIC DEBTS RECOGNIZED.*—All bonds, revenue certificates, revenue bonds and tax anticipation certificates issued pursuant to the Constitution of 1885, as amended, by the state, any agency, political subdivision or public corporation of the state shall remain in full force and effect and shall be secured by the same sources or revenue as before the adoption of this constitution, and, to the extent necessary to effectuate this section, the applicable provisions of the Constitution of 1885, as amended, are retained as a part of this constitution until payment in full of these public securities.

#### Section 9. *BONDS.*—

(a) *ADDITIONAL SECURITIES.* No additional revenue bonds shall be issued pursuant to Article IX, Section 17, or Article XII, Section 19, of the Constitution of 1885, as amended.

(b) *REFUNDING BONDS.* Revenue bonds to finance the cost of state capital projects issued prior to the date this constitution becomes effective, including projects of the Florida state turnpike authority or its successor but excluding all portions of the state highway system, may be refunded as provided by law without vote of the electors, at a lower net average interest cost rate by the issuance of bonds, maturing not later than the obligations refunded, secured by the same revenues only, or secured by the same revenues and also by the full faith and credit of the state.

#### (c) *MOTOR VEHICLE FUEL TAXES.*

(1) A state tax, designated "second gas tax," of two cents per gallon upon gasoline and other like products of petroleum and an equivalent tax upon other sources of energy used to propel motor vehicles as levied by Article IX, Section 16, of the Constitution of 1885, as amended, is hereby continued for a period of forty consecutive years. The proceeds of said tax shall be placed monthly in the state roads distribution fund in the state treasury.

(2) Article IX, Section 16, of the Constitution of 1885, as amended, is adopted by this reference as a part of this constitution as completely as though incorporated herein verbatim for the purpose of providing that after the effective date of this constitution the proceeds of the "second gas tax" as referred to therein shall be allocated among the several counties in accordance with the formula stated therein to the extent necessary to comply with all obligations to or for the benefit of holders of bonds, revenue certificates and tax anticipation certificates or any refundings thereof secured by any portion of the "second gas tax."

(3) No funds anticipated to be allocated under the formula stated in Article IX, Section 16, of the Constitution of 1885, as amended, shall be pledged as security for any obligation hereafter issued or entered into, except that any outstanding obligations previously issued pledging revenues allocated under said Article IX, Section 16, may be refunded at a lower net average interest cost rate by the issuance of refunding bonds, maturing not later than the obligations refunded, secured by the same revenues and any other security authorized in paragraph (5) of this subsection.

(4) Subject to the requirements of paragraph (2) of this subsection and after payment of administrative expenses, the "second gas tax" shall be allocated to the account of each of the several counties in amounts to be determined as follows: There shall be an initial allocation of one-fourth in the ratio of county area to state area, one-fourth in the ratio of the total county population to the total population of the state in accordance with the latest available federal census, and one-half in the ratio of the total "second gas tax" collected on retail sales or use in each county to the total collected in all counties of the state during the previous fiscal year. If the annual debt service requirements of any obligations issued for any county, including any deficiencies for prior years, secured under paragraph (2) of this subsection, exceeds the amount which would be allocated to that county under the formula set out in this paragraph, the amounts allocated to other counties shall be reduced proportionately.

(5) Funds allocated under paragraphs (2) and (4) of this subsection shall be administered by the state board of administration created under said Article IX, Section 16, of the constitution of 1885, as amended, and which is continued as a body corporate for the life of this subsection 9(c). The board shall remit the proceeds of the "second gas tax" in each county account for use in said county as follows: eighty per cent to the state agency supervising the state road system and twenty per cent to the governing body of the county. The proceeds of the "second gas tax" subject to allocation to the several counties under this paragraph (5) shall be used first, for the payment of obligations pledging revenues allocated pursuant to Article IX, Section 16, of the Constitution of 1885, as amended, and any refundings thereof; second, for the payment of debt service on bonds issued as provided by this paragraph (5) to finance the acquisition and construction of roads as defined by law; and third, for the acquisition and construction of roads. When authorized by law, state bonds pledging the full faith and credit of the state may be issued without any

election: (i) to refund obligations secured by any portion of the "second gas tax" allocated to a county under Article IX, Section 16, of the Constitution of 1885, as amended; (ii) to finance the acquisition and construction of roads in a county when approved by the governing body of the county and the state agency supervising the state road system; and (iii) to refund obligations secured by any portion of the "second gas tax" allocated under paragraph 9(c)(4). No such bonds shall be issued unless a state fiscal agency created by law has made a determination that in no state fiscal year will the debt service requirements of the bonds and all other bonds secured by the pledged portion of the "second gas tax" allocated to the county exceed seventy-five per cent of the pledged portion of the "second gas tax" allocated to that county for the preceding state fiscal year, of the pledged net tolls from existing facilities collected in the preceding state fiscal year, and of the annual average net tolls anticipated during the first five years of operation of new projects to be financed. Bonds issued pursuant to this subsection shall be payable primarily from the pledged tolls and portions of the "second gas tax" allocated to that county.

(d) **SCHOOL BONDS.** Article XII, Section 18, of the Constitution of 1885, as amended, as it existed immediately before this constitution becomes effective is adopted by this reference as part of this constitution as completely as though incorporated herein verbatim. Bonds or tax anticipation certificates hereafter issued thereunder may bear interest not in excess of five per cent per annum but higher interest may be authorized by statute passed by a two-thirds vote of the membership of each house of the legislature. Bonds issued pursuant to this subsection (d) shall be payable primarily from revenues as provided in Article XII, Section 18, of the Constitution of 1885, as amended, and, if authorized by law, may be additionally secured by pledging the full faith and credit of the state without an election. When authorized by law, bonds issued pursuant to Article XII, Section 18, of the Constitution of 1885, as amended, and bonds issued pursuant to this subsection (d) may be refunded by the issuance of bonds additionally secured by the full faith and credit of the state only at a lower net average interest cost rate.

(e) **DEBT LIMITATION.** Bonds issued pursuant to this Section 10 of Article XII which are payable primarily from revenues pledged pursuant to this section shall not be included in applying the limits upon the amount of state bonds contained in Section 10, Article VII, of this constitution.

Section 10 **PRESERVATION OF EXISTING GOVERNMENT.**—All provisions of the Constitution of 1885, as amended, not embraced herein which are not inconsistent with this constitution shall become statutes subject to modification or repeal as are other statutes.

Section 11. **DELETION OF OBSOLETE SCHEDULE ITEMS.**—The legislature shall have power, by joint resolution, to delete from this constitution any section of this Article XII, including this section, when all events to which the section to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this section shall be subject to judicial review.

Section 12. **SENATORS.**—The requirements of staggered terms of senators in Section 15(a) of Article III of this constitution shall apply only to senators elected in November, 1972, and thereafter.

Section 13. **LEGISLATIVE APPORTIONMENT.**—The requirements of legislative apportionment in Section 16 of Article III of this constitution shall apply only to the apportionment of the legislature following the decennial census of 1970, and thereafter.

Section 14. **CONFLICTING PROVISIONS.**—This schedule is designed to effect the orderly transition of government from the Constitution of 1885, as amended, to this constitution and shall control in all cases of conflict with any part of Articles I through IV, VII, and IX through XI.

Section 15. **SPECIAL DISTRICT TAXES.**—Ad valorem taxing power vested by law in special districts existing when this constitution becomes effective shall not be abrogated by Section 8(b) of Article VII hereof, but such powers, except to the extent necessary to pay outstanding debts, may be restricted or withdrawn by law.

Was read the first time in full and referred to the Committee on Rules and Calendar.

By Senator Mathews—

**SJR 3-2X—A joint resolution proposing a revision of Article V of the Constitution of the State of Florida relating to the Judicial Department of the government.**

*Be It Resolved by the Legislature of the State of Florida:*

That the following proposed revision of Article V of the Constitution of the State of Florida is hereby agreed to and shall be submitted to the electors of this state for ratification or rejection at the next general election to be held in November 1968.

## ARTICLE V

### JUDICIARY

Section 1. **COURTS.**—The judicial power shall be vested in a supreme court, district courts of appeal, circuit courts, county courts, magistrates courts and courts established for the trial of offenses against ordinances of municipalities and chartered counties. Administrative officers or bodies may be granted quasi-judicial power in matters connected with the functions of their offices, and their orders shall be reviewed as provided by law. The jurisdiction of the courts shall be established uniformly by law except as authorized herein.

Section 2. **ADMINISTRATION—PRACTICE AND PROCEDURE.**—The supreme court shall adopt rules governing:

(a) the administrative supervision of all courts established by this article;

(b) the assignment of justices and judges, including consenting retired justices and judges, to temporary duty in any courts;

(c) practice and procedure in all courts, including the time for seeking appellate review;

(d) the times and places for holding court; and

(e) the transfer of any matter to the proper court when the jurisdiction of any court has been improvidently invoked.

### Section 3. CHIEF JUSTICE.—

(a) The chief justice of the supreme court shall be the chief administrative officer of the judicial system.

(b) At the beginning of each regular session of the legislature the chief justice shall by message inform it of the condition of the judicial system and recommend measures for the improvement of the administration of justice.

### Section 4. SUPREME COURT.—

(a) **ORGANIZATION.** The supreme court shall consist of seven justices, one of whom shall be chosen the chief justice by the members of the court. Five justices shall constitute a quorum. The concurrence of four shall be necessary to a decision.

(b) **JURISDICTION.** The supreme court:

(1) Shall hear appeals from final judgments of trial courts imposing the death penalty and from orders of trial courts and decisions of district courts of appeal initially and directly passing on the validity of a state statute or a federal statute or treaty, or construing a provision of the state or federal constitution.

(2) May review by certiorari any decision of a district court of appeal that affects a class of constitutional or state officers, that passes upon a question certified by the district court of appeal to be of great public interest, or that is in direct conflict with a decision of another district court of appeal or of the supreme court on the same question of law, and may issue writs of prohibition to courts and commissions in causes within the jurisdiction of the supreme court to review, and all writs necessary to the complete exercise of its jurisdiction.

(3) When provided by law, shall hear appeals from final judgments and orders of trial courts imposing life imprisonment or entered in proceedings for the validation of bonds or certificates of indebtedness and issue writs of certiorari to commissions established by law and writs of mandamus and quo warrant to state officers and state agencies.

### Section 5. DISTRICT COURTS OF APPEAL.—

(a) **APPELLATE DISTRICTS.** The state by law shall be

divided into not less than four appellate districts of one county or contiguous counties. There shall be a district court of appeal in each district consisting of not less than three judges. Three judges shall consider each case, and the concurrence of two shall be necessary to a decision.

(b) JURISDICTION.

(1) District courts of appeal shall have jurisdiction to hear appeals, which may be taken as a matter of right, from final judgments or orders of trial courts, including those entered on review of administrative action, not directly appealable to the supreme court or a circuit court. They may review interlocutory orders or decrees in such cases to the extent provided in rules adopted by the supreme court.

(2) They shall have the powers of direct review of administrative action prescribed by law.

(3) A district court of appeal or any judge thereof may issue writs of habeas corpus returnable before that district court of appeal or any judge thereof or before any circuit judge in that district. A district court of appeal may issue writs of mandamus, certiorari, prohibition, quo warranto, and other writs necessary to the complete exercise of its jurisdiction. To the extent necessary to dispose of all issues in a cause properly before it, a district court of appeal may exercise any of the appellate jurisdiction of the circuit courts.

Section 6. *CIRCUIT COURTS.*—

(a) JUDICIAL CIRCUITS. The state by law shall be divided into judicial circuits, each composed of one county or contiguous counties, and containing at least one hundred thousand inhabitants according to the last decennial census, except that the county of Monroe shall constitute one of the circuits.

(b) CIRCUIT COURTS. There shall be a circuit court in each judicial circuit.

(c) CIRCUIT JUDGES. There shall be at least one circuit judge in each circuit for each fifty thousand inhabitants or major fraction thereof according to the last census authorized by law. The county of residence of any circuit judge may be fixed by law, but shall not be changed with respect to an incumbent during his continuous tenure in office without his consent.

(d) JURISDICTION. The circuit courts shall have all original jurisdiction not vested in other courts, and such jurisdiction of appeals from other trial courts as is prescribed by law. They shall have power to issue writs of mandamus, injunction, certiorari, prohibition, quo warranto, habeas corpus, and all other writs necessary or proper to the complete exercise of their jurisdiction. They shall have the power of direct review of administrative action prescribed by law.

Section 7. *COUNTY COURTS.*—

(a) COUNTY COURTS. In each county having a population of not more than one hundred thousand inhabitants, according to the latest decennial census, there shall be a county court unless that court shall have been abolished, and not re-established, by vote of the electors pursuant to law.

(b) COUNTY JUDGES. There shall be provided by law one or more judges for each county court.

(c) JURISDICTION. County courts shall have the jurisdiction prescribed by general law. Conditions upon which chartered counties or municipalities may authorize county courts to issue process and try violations of their ordinances may be prescribed by law.

Section 8. *MAGISTRATES COURTS.*—

(a) COURTS. There shall be a magistrates court in each county, or, if the county be divided by law into magistrates court districts, in each magistrates court district, unless that court shall be abolished, and not re-established, by vote of the electors pursuant to law. Magistrates courts districts may be consolidated or changed by law.

(b) NUMBER OF JUDGES. There shall be one or more judges for each magistrates court, as provided by law. When provided by law, the county judge of any county shall be ex officio judge of a magistrates court within the county.

(c) JURISDICTION. The judges of magistrates courts shall perform such duties and exercise such jurisdiction as shall

be prescribed by general law. Conditions upon which chartered counties or municipalities may authorize magistrates courts to issue process and try violations of their ordinances may be prescribed by law.

Section 9. *ADDITIONAL JUDGES.*—Additional judges for any court except the supreme court may be authorized by law upon certification of need by the supreme court.

Section 10. *SPECIALIZED DIVISIONS OF CIRCUIT COURTS.*—

(a) In counties having a population in excess of one hundred thousand, and in other counties when provided by law, there shall be in the circuit court a juvenile division, a probate division, a criminal division, and such other divisions as may be established by law, each exercising the specific jurisdiction fixed by law.

(b) Judges shall be appointed or elected to specialized divisions. When elected, they shall be chosen by the electors of the county or counties in which their respective divisions have jurisdiction. All judges of the court shall have jurisdiction to hear all causes within the jurisdiction of the court.

Section 11. *ELIGIBILITY.*—A justice or judge shall be a citizen of the state and reside in the territorial jurisdiction of his court. A justice of the supreme court or judge of a district court of appeal must have been a member of the bar of Florida for the preceding ten years. A judge of a circuit court must have been a member of the bar of Florida for the preceding five years. Each judge of a county court or magistrates court must be a member of the bar of Florida unless otherwise provided by general or special law.

Section 12. *VACANCIES.*—The governor shall fill each vacancy in judicial office by appointing one of not fewer than three persons nominated by a judicial nominating commission. Judicial nominating commissions shall be established by law. Their members shall be appointed by, and serve terms concurrent with that of, the governor. They shall not be officers of any political party nor, after appointment to a full term, be eligible to serve any part of the succeeding term. No person who has been a member of a judicial nominating commission during the preceding twelve months shall be nominated for judicial office.

Section 13. *ELECTIONS—TERMS.*—

(a) Justices and judges shall be chosen by the electors within the territorial jurisdiction of their respective courts in the same manner as other state and county officers are elected, or, when provided by general law, by majority vote in non-partisan elections.

(b) The terms of all justices of the supreme court, judges of district courts of appeal and circuit judges shall be for six years. The terms of judges of county courts and magistrates courts shall be prescribed by law. The terms of justices of the supreme court and judges of the district courts of appeal shall be appropriately staggered.

Section 14. *DISCIPLINE — RETIREMENT — REMOVAL.*—

(a) There shall be a judicial qualifications commission composed of:

(1) Two judges of district courts of appeal, two judges of circuit courts, one judge of a county court and one judge of a magistrates court, selected by the judges of the respective categories of courts;

(2) Two electors who have resided in, and been members of the bar of, the state for eight years, appointed by the governing body of the bar of Florida;

(3) Three electors who have resided in the state for five years and have never held judicial office or been members of the bar, appointed by the governor.

(b) The members of the judicial qualifications commission shall serve appropriately staggered terms fixed by law. No member of the commission shall hold office in a political party or, except as provided herein, public office. The commission shall elect one of its members as its chairman.

(c) The supreme court shall adopt rules regulating proceedings by the commission and the temporary replacement of disqualified or incapacitated members. After recommendation of removal of any justice or judge, the proceedings of the commission relating thereto shall be made public.

(d) Upon recommendation of the judicial qualifications commission, concurred in by two-thirds of its members, the supreme court may order that any justice or judge may be disciplined by private reprimand; removed from office, with termination of compensation, for wilful or persistent failure to perform his duties or for other conduct unbecoming a member of the judiciary; or involuntarily retired for any disability which seriously interferes with the performance of his duties and which is, or is likely to become, permanent.

(e) A justice or judge shall not serve after attaining the age of seventy years except to complete a term half of which he has served or to serve upon temporary assignment.

(f) The power of removal conferred by this section shall be cumulative to the power of impeachment.

(g) A justice or judge removed from office shall be subject to discipline as an attorney for professional misconduct prior to or during his tenure in office.

Section 15. *PROHIBITED ACTIVITIES*.—Justices of the supreme court, judges of district courts of appeal and judges of circuit courts shall devote full time to their judicial duties. They shall not engage in the practice of law or hold office in any political party. Similar prohibitions with respect to judges of other courts may be provided by law.

Section 16. *JUDICIAL SALARIES*.—All justices and judges shall be compensated by state salaries fixed by general law which shall not be diminished during the terms for which they have been elected or appointed, unless as a part of a general reduction of salaries applying uniformly to all salaried officers of the state, and which shall not be supplemented by any county or municipality. Judicial circuits and counties may be reasonably classified for the purpose of fixing judicial salaries. Judges of county courts and magistrates courts may also be compensated for non-judicial services as provided by law.

#### Section 17. *GRAND JURIES*.—

(a) The composition, length of service and number of grand juries shall be prescribed by general law. For these purposes, counties may be reasonably classified on the basis of population.

(b) A grand jury shall be convened in each county at least once in each year.

(c) The proceedings of grand juries shall be regulated by rules of the supreme court.

(d) Except as a reasonable incident to a report of its findings relating to the adequacy and care of public property and facilities, the conduct of public business or the performance of duties by public officers or employees, no grand jury shall make a presentment, other than a formal charge of crime, which is derogatory of any person.

Section 18. *STATE ATTORNEYS*.—In each judicial circuit a state attorney shall be elected for a term of four years by the electors to perform duties prescribed by law. State attorneys shall appoint such number of assistant state attorneys as may be authorized by law. The salaries of state attorneys and assistant state attorneys shall be fixed by general law, paid from state funds, and shall not be supplemented by any county or municipality. Judicial circuits and counties may be reasonably classified for the purpose of fixing these salaries. A state attorney or assistant state attorney prosecuting persons charged with violations of county or municipal ordinances may be paid additional compensation by the county or municipality.

Section 19. *ATTORNEYS, ADMISSION AND DISCIPLINE*.—The supreme court shall have exclusive jurisdiction to regulate, in such manner and through such agencies as may be prescribed by its rules, the admission of persons to the practice of law and the discipline of persons admitted.

Section 20. *TRIAL BY JURY*.—Every charge of violation of a county or municipal ordinance, which is also a violation of state law, in a court in which a jury trial is not provided shall be transferred, upon demand of the defendant, to an appropriate court in which a trial by jury may be secured.

#### Section 21. *SCHEDULE*.—

(a) This article shall replace all of Article V of the Constitution of 1885, as amended, which shall then stand repealed.

(b) Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force

on the effective date of this article shall continue in effect until superseded in a manner authorized by the constitution.

(c) *JURISDICTION OF COURTS*. After this article becomes effective, and until changed by law consistent with this article:

(1) The supreme court shall have the jurisdiction immediately theretofore exercised by it, except original jurisdiction in cases of habeas corpus.

(2) District courts of appeal shall have the jurisdiction immediately theretofore exercised by them.

(3) Circuit courts shall have the jurisdiction immediately theretofore exercised by them and by all the courts abolished by this article, except the jurisdiction vested by this article in other courts.

(4) County courts shall have jurisdiction of civil cases at law in which the demand of value of property involved shall not exceed two thousand dollars, exclusive of interest, and of the trial of misdemeanors and all the jurisdiction immediately theretofore exercised by county judges courts, except matters within the jurisdiction of magistrates courts. They shall have the jurisdiction theretofore exercised by juvenile courts except in counties in which juvenile divisions of the circuit court are created by this article.

(5) Magistrates courts in each county shall exercise in their respective counties and districts the jurisdiction in civil cases and the trial jurisdiction in criminal cases exercised by the respective small claims courts, small claims-magistrate courts, traffic court of Hillsborough County, civil court of record of Hillsborough County, and justice of the peace courts immediately before this article became effective, each judge being limited to the jurisdiction theretofore exercised by the court of which he was judge. All judges of magistrates courts shall be coroners and committing magistrates.

(d) *TRANSFER OF PENDING CASES—TRANSFER OF JUDGES*. When this article becomes effective:

(1) All courts not herein authorized shall cease to exist and jurisdiction to conclude all pending cases and enforce all prior judgments shall vest in the court which, under this article, would have jurisdiction of the cause if thereafter instituted. All records of, and property held by, courts abolished hereby shall be transferred to the proper officer of the appropriate court under this article.

(2) County judges in all counties having a population in excess of one hundred thousand according to the latest decennial census, the judges of all courts of record by whatever name designated in Dade and Escambia Counties, and the judges of juvenile courts who hold no other office, shall become judges of the circuit court of the circuit in which they reside. All judges of the criminal courts of record of Dade, Duval, Hillsborough, Monroe, Orange, Palm Beach and Polk Counties and of the felony court of Volusia County and an appropriate number of judges of the civil and criminal court of record of Pinellas County and the courts of record of Broward and Brevard Counties shall become judges of the circuit court of the circuit in which they reside and be assigned by the chief justice of the supreme court to service in special criminal divisions of the circuit court. Judges of juvenile courts who become judges of circuit courts shall be assigned to juvenile divisions of the circuit courts, and county judges who become judges of circuit courts shall be assigned to the probate divisions of the circuit courts.

(3) In counties having a population of not over one hundred thousand according to the latest decennial census the county judges and the judges of the court of record of Alachua County shall become the judges of the county courts.

(4) Justices of the peace, judges of the small claims-magistrate courts, traffic court of Hillsborough County, civil court of record of Hillsborough County, and the judges of small claims courts who hold no other office, shall become judges of magistrates courts, each serving, for the remainder of his term, a magistrates court district identical with his former territorial jurisdiction.

(5) Until otherwise provided by county charter or by vote of the electors pursuant to law, there shall be a constable, elected for a term of four years, in each magistrates court district succeeding to the territory of a justice of the peace district existing immediately before the effective date of this article.

(e) *SPECIAL LOCAL PROVISIONS*.—Until changed by

law the following special provisions shall apply to the designated courts and counties superseding inconsistent general provisions:

(1) The County Court of Alachua County shall continue to exist if said county attains a population of one hundred thousand, and the judges of said county court shall remain judges of that court, until it is changed by law or until July 1, 1980, whichever occurs first.

(2) In Escambia County until otherwise provided by law approved by vote of the electors, and in Broward County until otherwise provided by law there shall be a county clerk who shall also be clerk of the board of county commissioners, county recorder, and ex officio auditor and shall perform the duties prescribed by law. When this article becomes effective, for the remainder of their respective terms, in Escambia County the clerk of the circuit court shall become county clerk, and in Broward County the clerk of the court of record shall become county clerk.

(3) In Escambia County until otherwise provided by law approved by vote of the electors, the clerk of the circuit court shall serve as clerk of all magistrates courts and perform duties prescribed by law. The person holding the office of the clerk of the court of record of Escambia County on the effective date of this article shall be the clerk of the circuit court for the remainder of the term.

#### (f) LIMITED OPERATION OF SOME PROVISIONS.

(1) The requirement of Section 16 that all justices and judges be compensated by state salaries fixed by law shall not be effective until October 1, 1971.

(2) The prohibitions against supplementation of state salaries contained in Sections 16 and 18 shall become effective July 1, 1969.

(3) The qualifications for appointment or election to judicial office fixed by Section 11 shall not apply to the future election of persons to judicial offices held by them immediately after this article becomes effective.

(4) No justice or judge holding office immediately after this article becomes effective who held judicial office on June 30, 1957, shall be subject to retirement from judicial office pursuant to Section 14(e).

(g) NUMBER OF JUDGES. Until changed by law the number of judges of the circuit court in each circuit shall be that number required by Section 6(c), increased by the number of judges of other courts becoming circuit judges by operation of Article V, Section 21, with one additional judge in the circuit in which is located Duval County and one additional judge in the circuit in which is located the state capital.

(h) ELECTION OF JUDGES. Should provision be made by law for the non-partisan election of justices and judges in odd-numbered years, the first such law may provide that the term of each judicial office beginning next after the first such election shall be one year shorter than as otherwise provided herein.

(i) NON-JUDICIAL DUTIES OF COUNTY JUDGES. Until otherwise provided by law, the non-judicial duties required of county judges shall be performed by the judges of the county courts in counties in which that office exists, and in counties in which there is no county court they shall be performed by the officers to whom they may be assigned by proclamation of the governor.

(j) COUNTY SOLICITORS, PROSECUTING ATTORNEYS. Until otherwise provided by law, county solicitors and county prosecuting attorneys, when those offices exist by law, shall prosecute the classes of crime within the jurisdiction of their respective offices immediately prior to the date this article becomes effective. The office of county solicitor of Escambia County shall not be abolished except by vote of the electors of Escambia County.

(k) POPULATION CHANGES. The county judge of a county which attains a population of more than one hundred thousand inhabitants according to the decennial census taken next after this article becomes effective shall become a judge of the circuit court of the circuit in which the county is located and shall be assigned to the probate division of that court, provided however, notwithstanding the provisions of Section 7(a), or this section, the County Court of Alachua County shall con-

tinue to exist if said county attains a population of one hundred thousand, and the judges of said county court shall remain judges of that court, until it is changed by law or until July 1, 1980, whichever occurs first.

(1) CLERKS OF COURTS. After the effective date of this article, clerks of courts shall continue to serve as follows:

(1) Except as hereinafter provided, the clerks of the circuit court will continue to serve in such offices in their respective counties.

(2) In counties having fewer than one hundred thousand population, the elective clerks of the courts abolished by this schedule who are in office on the effective date hereof shall serve out the remainder of their terms as clerks of the county courts in their respective counties.

(3) Except as hereinafter provided, in counties having in excess of one hundred thousand population, the elective clerks of the courts abolished by this schedule who are in office on the effective date hereof shall serve out the remainder of their terms as deputies to the clerks of the circuit court in their respective counties.

(4) In Escambia County until otherwise provided by law approved by vote of the electors, and in Broward County until otherwise provided by law there shall be a county clerk who shall also be clerk of the board of county commissioners, county recorder, and ex officio auditor and shall perform the duties prescribed by law. When this article becomes effective, for the remainder of their respective terms, in Escambia County the clerk of the circuit court shall become county clerk, and in Broward County the clerk of the court of record shall become county clerk.

(5) In Escambia County until otherwise provided by law approved by vote of the electors, the clerk of the circuit court shall serve as clerk of all magistrates courts and perform duties prescribed by law. The person holding the office of the clerk of the court of record of Escambia County on the effective date of this article shall be the clerk of the circuit court for the remainder of the term.

(m) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 21, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

Was read the first time in full and referred to the Committee on Rules and Calendar.

By Senators Mathews and Spencer—

**SJR 4-2X—A joint resolution proposing a revision of Article VI of the Constitution of the State of Florida relating to suffrage and eligibility.**

*Be It Resolved by the Legislature of the State of Florida:*

That the following proposed revision of Article VI of the Constitution of the State of Florida is hereby agreed to and shall be submitted to the electors of this state for ratification or rejection at the next general election to be held in November 1968:

#### ARTICLE VI

##### SUFFRAGE AND ELECTIONS

Section 1. **REGULATION OF ELECTIONS.**—All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law.

Section 2. **ELECTORS.**—Every citizen of the United States who is at least nineteen years of age and who has been a permanent resident for one year in the state and six months in a county, if registered as provided by law, shall be an elector of that county. Provisions may be made by law for other bona fide residents of the state who are at least nineteen years of age to vote in the election of presidential electors.

Section 3. **OATH.**—Each eligible citizen upon registering shall subscribe the following: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I



am qualified to register as an elector under the Constitution and laws of the State of Florida."

Section 4. **DISQUALIFICATIONS.**—No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability.

Section 5. **GENERAL AND SPECIAL ELECTIONS.**—A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer, other than justices and judges, whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. Elections to choose justices and judges, special elections, and referenda shall be held as provided by law.

Section 6. **MUNICIPAL AND DISTRICT ELECTIONS.**—Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided by law.

Was read the first time in full and referred to the Committee on Rules and Calendar.

By Senators Mathews and Spencer—

**SJR 5-2X**—A joint resolution proposing a revision of Article VIII of the Constitution of the State of Florida relating to counties and cities.

*Be It Resolved by the Legislature of the State of Florida:*

That the following proposed revision of Article VIII of the Constitution of the State of Florida is hereby agreed to and shall be submitted to the electors of this state for ratification or rejection at the next general election to be held in November 1968:

## ARTICLE VIII

### LOCAL GOVERNMENT

#### Section 1. **COUNTIES.**—

(a) **POLITICAL SUBDIVISIONS.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) **COUNTY FUNDS.** The care, custody and method of disbursing county funds shall be provided by general law.

(c) **GOVERNMENT.** Pursuant to general or special law a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) **COUNTY OFFICERS.** There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a tax assessor, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. In each magistrates court district the office of constable with a term of four years may be established or abolished by county charter or law approved by vote of the electors.

(e) **COMMISSIONERS.** Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected by the electors of the county.

(f) **NON-CHARTER GOVERNMENT.** Counties not operating under county charters shall have the power of self-government except as otherwise provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with law, but an

ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) **CHARTER GOVERNMENT.** Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The legislative body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) **TAXES—LIMITATION.** Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) **COUNTY ORDINANCES.** Each county ordinance shall be filed with the secretary of state and shall become effective at such time thereafter as fixed by general law.

(j) **VIOLATION OF ORDINANCES.** Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) **COUNTY SEAT.** In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded in the county until filed at the county seat according to law.

#### Section 2. **MUNICIPALITIES.**—

(a) **ESTABLISHMENT.** Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) **POWERS.** Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) **ANNEXATION.** Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

Section 3. **CONSOLIDATION.**—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. By special law a consolidation plan may be proposed which shall become effective only if approved by vote of the electors of the county, or of the county and municipalities affected as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

Section 4. **TRANSFER OF POWERS.**—By law or by resolution of the governing bodies of each of the governments affected, any functions or powers of a municipality or a special district may be transferred to the county in which the municipality or special district is located or to any other municipality or special district in the county, after approval by vote of the electors of the transferor and approval of the governing body of the transferee.

Section 5. **LOCAL OPTION.**—Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five per cent of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

#### Section 6. **SCHEDULE.**—

(a) This article shall replace all of Article VIII of the



Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) **COUNTIES—COUNTY SEATS—MUNICIPALITIES—DISTRICTS.** The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) **OFFICERS TO CONTINUE IN OFFICE.** Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

(d) **ORDINANCES.** Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) **CONSOLIDATION AND HOME RULE.** Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid, provided that the said provisions of such charter and the said amendments thereto are authorized under said Article VIII, Section 11, of the Constitution of 1885, as amended.

(f) **DADE COUNTY—POWERS CONFERRED UPON MUNICIPALITIES.** To the extent not inconsistent with the powers of existing municipalities or general law the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) **DELETION OF OBSOLETE SCHEDULE ITEMS.** The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

Was read the first time in full and referred to the Committee on Rules and Calendar.

By Senators Mathews, Spencer and Sayler—

**SJR 6-2X—A Joint Resolution withdrawing Senate Joint Resolution No. 44-X(68), adopted at the session of the legislature of the State of Florida which convened on January 29, 1968, and entitled, "A joint resolution proposing an amendment to subsection (b) of section 18 of Article XII of the Constitution of Florida; providing for a limit on the interest rate allowable on bonds issued on behalf of counties for capital outlay and debt service and other school purposes."**

WHEREAS the session of the legislature of Florida which convened on January 29, 1968, did adopt a joint resolution designated Senate Joint Resolution No. 44-X(68), and entitled, "A joint resolution proposing an amendment to subsection (b) of section 18 of Article XII of the Constitution of Florida; providing for a limit on the interest rate allowable on bonds issued on behalf of counties for capital outlay and debt service and other school purposes," and

WHEREAS the legislature of Florida is now in session pursuant to the call of the Governor for the purpose of proposing a revised constitution for the State of Florida, and

WHEREAS grave doubt exists that bonds or tax anticipation certificates issued pursuant to Senate Joint Resolution No. 44-X(68) could be sold under current conditions of the bond market by reason of the limitation on the interest allowable thereon, and

WHEREAS there is great public need for bonds or tax anticipation certificates to be issued for the purpose authorized in said Joint Resolution with interest higher than the limit allowed by said Joint Resolution, and

WHEREAS this session of the legislature has passed Senate Joint Resolution No. XX(68) enabling the legislature to authorize by statute higher interest on bonds or tax anticipation certificates, and

WHEREAS there are conflicting provisions between the said Joint Resolutions resulting in the electorate being unable to exercise a free, uninhibited, intelligent choice, and

WHEREAS it is deemed improvident to submit to the electors of Florida for ratification or rejection conflicting amendments to the Constitution of Florida to be voted on at the same election;

Now, therefore,

*Be It Resolved by the Legislature of the State of Florida:*

That Senate Joint Resolution No. 44-X(68), entitled, "A joint resolution proposing an amendment to subsection (b) of section 18 of Article XII of the Constitution of Florida; providing for a limit on the interest rate allowable on bonds issued on behalf of counties for capital outlay and debt service and other school purposes," be and the same is hereby rescinded, revoked, annulled and withdrawn; the amendment to the Constitution of Florida proposed thereby shall not be submitted to the electors and the secretary of state is directed to withhold said resolution from the ballot in the general election to be held in November 1968.

Was read the first time in full and referred to the Committee on Rules and Calendar.

By Senators Mathews and Sayler—

**SJR 7-2X—A Joint Resolution withdrawing Senate Joint Resolution No. 52-X(68), adopted at the session of the legislature of the State of Florida which convened on January 29, 1968, and entitled, "A joint resolution proposing an amendment to subsection (b) of section 19 of Article XII of the Constitution of Florida providing for a limit on the interest rate allowable on bonds issued for capital outlay at institutions of higher learning, including junior colleges and certain vocational-technical schools."**

WHEREAS the session of the legislature of Florida which convened on January 29, 1968, did adopt a joint resolution designated Senate Joint Resolution No. 52-X(68), and entitled, "A joint resolution proposing an amendment to subsection (b) of section 19 of Article XII of the Constitution of Florida providing for a limit on the interest rate allowable on bonds issued for capital outlay at institutions of higher learning, including junior colleges and certain vocational-technical schools," and

WHEREAS the legislature of Florida is now in session pursuant to the call of the Governor for the purpose of proposing a revised constitution for the State of Florida, and

WHEREAS grave doubt exists that bonds or certificates issued pursuant to Senate Joint Resolution No. 52-X(68) could be sold under current conditions of the bond market by reason of the limitation on the interest allowable thereon, and

WHEREAS there is great public need for bonds or certificates to be issued for the purpose authorized in said Joint Resolution with interest higher than the limit allowed by said Joint Resolution, and

WHEREAS this session of the legislature has passed Senate Joint Resolution No. XX(68) enabling the legislature to authorize by statute higher interest on bonds or certificates, and

WHEREAS there are conflicting provisions between the said Joint Resolutions resulting in the electorate being unable to exercise a free, uninhibited, intelligent choice, and

WHEREAS it is deemed improvident to submit to the electors of Florida for ratification or rejection conflicting amendments to the Constitution of Florida to be voted on at the same election;

Now, therefore,

*Be It Resolved by the Legislature of the State of Florida:*

That Senate Joint Resolution No. 52-X(68), entitled, "A joint resolution proposing an amendment to subsection (b) of section 19 of Article XII of the Constitution of Florida providing for a limit on the interest rate allowable on bonds issued for capital outlay at institutions of higher learning, including

junior colleges and certain vocational-technical schools," be and the same is hereby rescinded, revoked, annulled and withdrawn; the amendment to the Constitution of Florida proposed thereby shall not be submitted to the electors and the secretary of state is directed to withhold said resolution from the ballot in the general election to be held in November 1968.

Was read the first time in full and referred to the Committee on Rules and Calendar.

#### EXECUTIVE BUSINESS

*Honorable Edwin G. Fraser  
Secretary of the Florida Senate  
The Capitol  
Tallahassee, Florida*

June 24, 1968

Dear Sir:

Pursuant to the provisions of Section 112.071 (1), (b), Florida Statutes, we attach a certificate listing the commissions subject to confirmation by the Senate which have been prepared by our office.

Sincerely,  
TOM ADAMS  
Secretary of State

Pursuant to the provisions of Section 112.071(1), (b), Florida Statutes, we do hereby certify that Commissions which are subject to Confirmation by the Senate have been prepared for the following:

NAME	OFFICE	FOR TERM ENDING
May L. Harwood Daytona Beach	Member of the St. Augustine Historical Restoration and Preservation Commission	August 24, 1971
Don E. Hargis Boca Grande	Pilot Commissioner for the Port of Boca Grande, Lee County	November 11, 1971
Pearl Sturgis Leech Indialantic	Member of the Florida Board of Parks and Historic Memorials, Region Four	July 12, 1971
Walter B. Booth Ormond Beach	Member of the St. Augustine Historical Restoration and Preservation Commission	January 14, 1970
Robert Lee Hopponen Fort Lauderdale	Member of the State Board of Cosmetology, District One	June 27, 1971

NAME	OFFICE	FOR TERM ENDING
William T. Speer Boca Grande	Pilot Commissioner for the Port of Boca Grande, Lee County	November 11, 1971
Duane Franklin Futch Boca Grande	Harbor Master for the Port of Boca Grande, Lee County	November 21, 1969
Julius F. Parker, Jr. Tallahassee	Member of the Board of Regents	January 1, 1977
Roy A. Howard Key Largo	Member of the Board of Commissioners of the Everglades Fire Control District, Monroe County	December 8, 1968
Sidney A. Berkowitz Jacksonville	Member of the Duval Air Improvement Authority	October 1, 1969
J. B. Krestensen Ponte Vedra Beach	Harbor Master for the Port of St. Augustine, St. Johns County	March 6, 1970
Peter J. Azzarelli Tampa	Member of the Tampa Port Authority, Hillsborough County	November 14, 1970
Fred Paul Henning Stock Island	Harbor Master for the Port of Key West, Monroe County	February 8, 1970
Gene Berkowitz Tallahassee	Member of the Leon-Wakulla Port Authority	October 19, 1970



GIVEN under my hand and the Great Seal of the State of Florida, at Tallahassee, the Capital, this the 24th day of June, A.D., 1968.

TOM ADAMS  
Secretary of State

—which were referred to the Special Select Committee on Executive Appointments and Suspensions.

On motion by Senator Mathews, by two-thirds vote, the Senate adjourned at 10:38 a.m. to reconvene at 9:30 a.m. June 25, 1968.